



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 19]

मई दिल्ली, शनिवार, मई 11, 2002/वैशाख 21, 1924

No. 19]

NEW DELHI, SATURDAY, MAY 11, 2002/VAISAKHA 21, 1924

इस भाग में भिन्न पृष्ठ संख्या वी जाती हैं जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (एक मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विक प्रावेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कंपनी कार्य मंत्रालय

सामने निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

(न्याय विभाग)

सारणी

नई दिल्ली, 01 मई, 2002

सिविल न्यायालय

वे स्थान, जहाँ सिविल न्यायालय
आयोजित किए जाने हैं

का.आ. 1556.—केन्द्रीय सरकार, लक्कादीव, मिनिकोय
और अमीनदीवी द्वीप (सिविल न्यायालय) विनियम, 1965
(1965 का 9) की धारा 7 द्वारा प्रदत्त गतिहार्यों का प्रयोग
करते हुए, भारत सरकार गृह मंत्रालय की अधिसूचना सं.
का.आ. 1154 तारीख 19 मार्च, 1969 में एतद्वारा
निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के साथ लगाई गई सारणी में क्रम
सं. 1 और कॉलम (1) और (2) की प्रविष्टियों के

1

2

“1. जिला न्यायालय

कावारती द्वीप, अगाती द्वीप, एन्ड्रोथ
द्वीप, कलपेनी द्वीप, मिनिकोय द्वीप,
अमीनी द्वीप, कदमत द्वीप, किल्टन द्वीप,
चेटलेट द्वीप, बित्रा द्वीप और केरल
राज्य में कोझीकोड़, जिनका मुख्यालय
कावारती द्वीप में स्थित है।”

[फा.सं. ए.ल.—18015/1/2001—न्याय]

डॉ. पी.के. अग्रवाल, संयुक्त सचिव

टिप्पणी—प्रधिमूल का.आ.प. 1154 तारीख
19-3-1969 के तहत प्रकाशित को गई थी और
तत्पश्चात् उगमे का.आ.सं. 1999, तारीख
23-5-1969 और का.आ.प. 323 (ई),
दिनांक 11-4-1997 के तहत संशोधन किया
गया था।

**MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS**
(Department of Justice)
New Delhi, the 1st May, 2002

S.O. 1536.—In exercise of the powers conferred by section 7 of the Laccadive, Minicoy and Amindivi Islands (Civil Courts) Regulations, 1965 (9 of 1965), the Central Government hereby makes the following further amendment in the notification of Government of India in the Ministry of Home Affairs number S.O. 1154 dated the 19th March, 1969,—

In the TABLE appended to the said Notification for Sl. number 1 and entries against it in columns (1) and (2), the following shall be substituted, namely:—

TABLE

Civil Court	Place or Places at which Civil Court is to be held
(1)	(2)
1. District Court	The Island of Kavaratti, the Island of Agatti, the Island of Androth, the Island of Kalpeni, the Island of Minicoy, the Island of Amini, the Island of Kadmat, the Island of Kiltan, the Island of Chetlat, the Island of Bitra and Kozhikode in Kerala State with headquarters at the Island of Kavaratti."

[F. No. L-18015/1/2001-Jus.]
DR. P. K. AGRAWAL, Jt. Secy.

N.T.E.: The principal Notification was published vide S.O. No. 1154 dated 19-3-1969 and subsequently amended vide S.O. No. 1999 dated 23-5-1969 and S.O. No. 323(E) dated 11-4-1997.

गृह मंत्रालय

(पुनर्वास प्रभाग)

शुद्धिपत्र

नई दिल्ली, 15 अप्रैल, 2002

का.आ. 1557.—इस मंत्रालय की दिनांक 15 फरवरी, 2002 की समसंख्यक अधिमूचना (हिन्दी रूपान्तर) की लाइन संख्या तीन और चार में दर्शाएँ गए पदनाम “अपरं जिला समाहर्ता (विषयन विकास समिति), हनुमानगढ़” के स्थान पर “अतिरिक्त कलेक्टर एवं सचिव, मण्डी विकास समिति, हनुमानगढ़” पढ़ा जाए।

[संख्या 1(3)/2001 बन्दोबस्तु]
बी.एन. लाहिरी, अवर सचिव

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

CORRIGENDUM

New Delhi, the 15th April, 2002

S.O. 1557.—The designation of ‘Additional District Collector (Marketing Development Committee)’ Hanumangarh, appearing in 5th & 6th line of this Ministry’s Notification of even number dated the 15th February, 2002, may be read as “Additional Collector-cum-Secretary, Mandi Development Committee” Hanumangarh.

[No. 1(3)2001-Settlement]

B. N. LAHIRI, Under Secy.

कार्मिक लोक शिकायत तथा पत्रन मंत्रालय

(कार्मिक और प्रणिक्षण विभाग)

नई दिल्ली, 29 अप्रैल, 2002

का.आ. 1558.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम, संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा आंध्र प्रदेश सरकार गृह (एस.सी.ए.) विभाग, की दिनांक 09-03-2002 जी.आ.ए.एस. संख्या 62 द्वारा प्राप्त सम्मति से भारतीय दंड संहिता, 1860 की धारा 302 के तहत दण्डनीय अपराधों का अन्वेषण और दिनांक 24-02-2002 को सुश्री एस. प्रत्यूषा की मृत्यु के संबंध में पंजगुटा पुलिस चौकी हैदराबाद में दर्ज अपराध मामला सं. 144/2002 का अन्वेषण और उसी संबंधहार के क्रम में अथवा उन्हीं तथ्यों से उद्भूत किए गए किन्हीं अपराधों से संसक्त अथवा संबद्ध दुष्येणों, दुष्प्रयत्नों तथा षडयंत्रों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और प्रधिकारिता का विस्तार, संपूर्ण आंध्र प्रदेश के संबंध में करनी है।

[संख्या 228/15/2002-ए.वी.डी-II]

परमा नंद, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSION**

(Department of Personnel & Training)

New Delhi, the 29th April, 2002

S.O. 1558.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Andhra Pradesh vide Home (S.C.A) Department, G.O. MS. No. 62 dated 9-3-2002 hereby extends the powers and jurisdiction of the members of Delhi Special

Police Establishment to the whole of the State of Andhra Pradesh for investigation of offences punishable under section 302 of the Indian Penal Code, 1860 and attempt, abetment and conspiracy in relation to or in connection with the offences committed in the course of the same transaction or arising out of the same facts in Crime No. 144/2002 registered Panjagutta P.S. Hyderabad in connection with the death of Miss. S. Pratyusha, on 24-2-2002.

[No. 228/15/2002-AVD. II]

PARMA NAND, Under Secy.

नई दिल्ली, 29 अप्रैल, 2002

का.आ. 1559.—केन्द्रीय सरकार एवं द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 212 गीसीप्रार 2001 दिनांक 14 दिसम्बर, 2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के अ. व्यूरो, एसीबी बंगलौर में दर्ज मामला आरसी-32(ए)/2001-बंगलौर में श्री पी. सुब्रामाण्य, पूर्व अनुभागीय अभियंता, पी.वे. सेरम, दक्षिण मध्य रेलवे और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 409 और 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) सपठित धारा 13(1)(ए) एवं (डी) के अधीन दंडनीय अपराधी तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षड्प्रयत्न नथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/22/2002-ए.वी.-डी.-II (i)]

परमा नन्द अवर सचिव

New Delhi, the 29th April, 2002

S.O. 1559.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 188 PCR 2001, dated 24th November, 2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under sections 120-B read with 409 and 420 of the Indian Penal Code, 1860 and section 13(2) read with 13(1)(d) and (c) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988), and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Sh. P. Thimmaraja, Junior Telecom Officer, Jagalur Telephone Exchange, Davangere

other offence and offences committed in the course of the same transaction or arising out of the same facts against Sh. P. Subba Rao, Former Sectional Engineer, P. Way, Serum, S. C. Railway and other public servant or person registered with DSPE[CBI]ACB Bangalore vide RC-32(A) 2001-BLR.

[No. 228/22/2002-AVD.II(i)]

PARMA NAND, Under Secy.

नई दिल्ली, 29 अप्रैल, 2002

का.आ. 1560.—केन्द्रीय सरकार एवं द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 212 गीसीप्रार 2001 दिनांक 14 दिसम्बर, 2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के अ. व्यूरो एसीबी, बंगलौर में दर्ज मामला आरसी-33(ए)/2001 बंगलौर में श्री एस. तिम्मराजा, कनिष्ठ दूरसंचार अधिकारी, जागालूर दूरभाष केन्द्र, दावानगरी जिला और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 120-बी सपठित धारा 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) सपठित धारा 13(1) (ए) एवं (डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षड्प्रयत्न तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/22/2002-ए.वी.डी. II (ii)]

परमा नन्द अवर सचिव

New Delhi, the 29th April, 2002

S.O. 1560.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 212 PCR 2001, dated 14th December, 2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420 of the Indian Penal Code, 1860 and section 13(2) read with 13(1) (a) and (d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988), and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Sh. P. Thimmaraja, Junior Telecom Officer, Jagalur Telephone Exchange, Davangere

District and other public servants or persons registered with DSPE|CBI|ACB Bangalore vide RC-33(A) 2001-BLR.

[No. 228/22/2002-AVD.II(ii)]
PARMA NAND, Under Secy.

नई दिल्ली, 29 अप्रैल, 2002

का.आ.1561.—केन्द्रीय सरकार एतदद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 221 पीसीआर 2001 दिनांक 31 दिसंबर, 2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के अ. व्यू.रो एसी बी, बंगलौर में दर्ज मामला आर सी-36 (ए)/2001-बंगलौर में श्री दीपक, कनिष्ठ अभियंता, सेटल टेलीफोन एक्सचेंज, आउटडोर (साउथ), बंगलौर भारत संचार निगम लि. और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 7 के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संस्कृत प्रथलों, दुष्प्रेरणों और घड़यंत तथा उसी संव्यहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/22/2002-ए.वी.डी.-II(iii)]

परमा नन्द, अवर सचिव

New Delhi, the 29th April, 2002

S.O. 1561.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 221 PCR 2001, dated 31st December, 2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 7 of Prevention of Corruption Act, 1988 (Act No. 49 of 1988), and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Shri Deepak, Junior Engineer, Central Telephone Exchange, Outdoor (South), Bangalore of Bharat Sanchar Nigam Limited and other public servants or persons registered with DSPE|CBI|ACB|Bangalore vide DC-36(Λ)|2001-BLR.

[No. 228/22/2002-AVD.II(iii)]
PARMA NAND, Under Secy.

नई दिल्ली, 29 अप्रैल, 2002

का.आ.1562.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा मध्य प्रदेश राज्य सरकार के गृह (पुलिस) विभाग से दिनांक 12-09-2001 की अधिसूचना संख्या एफ 12-194/2001/वी (1)/II द्वारा प्राप्त राज्य सरकार की सम्मति से भारतीय दंड संहित, 1860 (1860 की अधिनियम संख्या 45) की धारा 302, 120ब और 306 के अंतर्गत दंडनीय अपराधों के अन्वेषण और उपर्युक्त उल्लिखित अपराधों से संबद्ध दुष्प्रयासों और उड़यंतों तथा पुलिस चौकी कोतवाली, टीकमगढ़, मध्य प्रदेश में दर्ज अपराध मामला संख्या 521/2000 और 550/2000 के संबंध में उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अपराध अथवा अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार एतदद्वारा संपूर्ण मध्य प्रदेश राज्य के संबंध में करती है।

[सं. 228/65/2001-ए.वी.डी.-II]
परमा नन्द अवर सचिव

New Delhi, the 29th April, 2002

S.O. 1562.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Madhya Pradesh vide Government of Madhya Pradesh Home (Police) Department Notification No. F-12-194/2001/B(1)II dated 12-9-2001, hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of offences punishable under sections 302, 120-B and under section 306 of Indian Penal Code, 1860 (Act No. 45 of 1860) and attempt, abetment and conspiracy relating to the aforementioned crime and any other offence or offences committed in the course of the same transaction or arising out of the same facts in regard to case Crime Nos. 521/2000 and 550/2000 of Police Station Kotwali, Tikamgarh, Madhya Pradesh.

[No. 228/65/2001-AVD.II]
PARMA NAND, Under Secy.

नई दिल्ली, 30 अप्रैल, 2002

का.आ.1563.—केन्द्र सरकार, आतंकवादी और विद्युत-कारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 13 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सुश्री गीता रामशेषन अधिवक्ता, चेन्नई को दिल्ली विशेष पुलिस स्थापना, चेन्नई द्वारा अन्वेषित तथा प्रारम्भ किया हुआ नियमित मामले सं. 16/एस/93-एस.सी.वी./चेन्नई तथा उससे संबंधित या उसके अनुषंगी किसी अन्य मामले में चेन्नई, तमिलनाडु

द्वारा उपर्युक्त अधिनियम की धारा 9 के अन्तर्गत आतंकवादी और विद्वांसकारी क्रियाकलाप (निवारण) मामलों के लिए पदनामित न्यायालय टाडा (पी. II) न्यायालय में अभियोजन चलाने हेतु एतद्वारा विशेष लोक अभियोजक नियुक्त करती है।

[सं. 225/35/2001-ए.वी.डी.-II]

परमा नन्द, ग्रवर सचिव

New Delhi, the 30th April, 2002

S.O. 1563.—In exercise of the powers conferred by sub-section (1) of section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987), the Central Government hereby appoints Ms. Geeta Ramaseshan, Advocate of Chennai as Special Public Prosecutor for conducting prosecution of Regular case No. 16/S/93-SCB|Chennai investigated and instituted by the Delhi Special Police Establishment, Chennai in the Designated Court for T.A.D.A. cases [TADA(F) II Court] at Chennai, Tamil Nadu constituted under section 9 of the said Act and other matters connected therewith or incidental thereto.

[No. 225/35/2001-AVD.II]
PARMA NAND, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 15 अप्रैल, 2002

स्टाम्प

का.आ. 1564.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो प्रोमसरी नोटों के स्वरूप वाले 12.90% (कराधेय) पी एस आई डी सी बांड-2006 '(2001-प्रथम श्रृंखला)' के रूप में वर्णित 1 से 10315 तक की विशिष्ट संख्या वाले एक-एक लाख रुपए मूल्य के एक सौ तीन करोड़ और पन्द्रह लाख रुपए मूल्य के पंजाब औद्योगिक विकास निगम लि. चंडीगढ़ द्वारा क्रमशः 5-2-2001, 31-3-2001 तथा 20-4-2001 को आवंटित किए गए बंधपत्रों पर उक्त अधिनियम के तहत प्रभार्य है।

[सं. 24/2002-स्टाम्प फा.सं. 33/5/2002-वि.क.]
अभय त्रिपाठी, निदेशक (बिक्री कर)

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 15th April, 2002

STAMPS

S.O. 1564.—In exercise of the powers conferred by clause (a) of Sub-section (1) of Sec. 9 of the Indian

Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 12.90 per cent (Taxable) PSIDC BONDS—2006 (2001—Ist Series) bearing distinctive numbers from 1 to 10315 of rupees one lakh each aggregating to rupees one hundred three crore and fifteen lakh only allotted on 5-2-2001, 31-3-2001 and 20-4-2001 respectively by the Punjab State Industrial Development Corporation Limited, Chandigarh, are chargeable under the said Act.

[No. 24/2002-STAMPS F. No. 33/5/2002-ST]
ABHAY TRIPATHI, Director (Sales Tax)

(केन्द्रीय आर्थिक आसूचना व्यूरो)

आदेश

नई दिल्ली, 1 मई, 2002

का.आ. 1565.—ग्रन्त: संयुक्त राज्य, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/02/2002—सी-यू-एस- VIII, दिनांक 25-1-2002 को जारी किया और यह निर्देश दिया कि श्री हर्ष अग्रवाल सुपुत्र श्री एस.के. अग्रवाल, निवासी-आर-14/124, राज नगर, गाजियाबाद को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़ नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. ग्रन्त: केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. ग्रन्त: अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर वरिष्ठ पुलिस अधीक्षक, गाजियाबाद के सम्मुख उपस्थित हो।

[फा.सं. 673/02/2002-सी-यू-एस-VIII]
जे.एम.एस. सुन्दरम, सहायक महा निदेशक

(Central Economic Intelligence Bureau)

ORDER

New Delhi, the 1st May, 2002

S.O. 1565.—Whereas; the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/02/2002-Cus. VIII, dated 25-1-2002 under the said Sub-section directing that Shri Harsh Agarwal, S/o Sh. S. K. Agarwal, R/o R-14/124, Raj Nagar, Ghaziabad (U.P.) be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Ghaziabad within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/02/2002-Cus. VIII]

J. M. S. SUNDHARAM, Asst. Director General

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 17 प्रश्नैल, 2002

(आयकर)

का.आ. 1566.—मामांश जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार अधीनियम संगठन को उनके नाम के मामने उल्लिखित अवधि, के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ संस्थान श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है:

- (1) अधिसूचित संस्थान अपने अनुसंधान कार्यकलापों के लिए अनुग्रह लेखा वहियों का रख-रखाव करेगा;
- (2) अधिसूचित संस्थान प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उसमें पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग “टेक्नोलॉजी भवन” न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;
- (3) अधिसूचित संस्थान केन्द्र सरकार की तरफ से नामोदित निधारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अनिरिक्त अपने लेखा परीक्षित वार्षिक लेखों वी एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाने की लेखा परोक्षा की भी एक प्रति संस्था पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडलटन रोड, पांचवा नल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगा।

क्र.सं. अनुमोदित संगठन का अवधि जिसके लिए अधिसूचना नाम प्रभावी है

1. सेटर कार पालिसी स्टडीज 1-4-2000 से 31-3-2003
डी-23, बै व्यु अपार्टमेंट्स,
कलाक्षेत्र कालोनी,
बसंत नगर,
चैन्सई-600 090

टिप्पणी: अधिसूचित संस्थान को सलाह दी जाती है कि वे अनुमोदन के नवीकरण के लिए तीन प्रतिवर्ष में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतिवर्ष सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएगी।

[अधिसूचना स. 95/2002 (फा.स. 203/12/2002
आयकर नि.-II)]

संगीता गुप्ता, निदेशक (आयकर नि-II)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 17th April, 2002

(INCOME TAX)

S.O. 1566.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (iii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 under the category “Institution” subject to the following conditions:—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect

of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No. Name of the organisation approved Period for which Notification is effective

1. Centre for Policy Studies 1-4-2000 to 31-3-2003
D-23, Bay View Apartments,
Kalakshetra Colony, Besant Nagar,
Chennai-600 090.

Notes : The notified Institution are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 95/2002/F. No. 203/12/2002-
ITA-II]

SANGEETA GUPTA, Director (ITA.II)

केन्द्रीय उत्पाद शुल्क पुणे-I आयुक्तालय के आयुक्त का कार्यालय

पुणे, 29 अप्रैल, 2002

संदर्भ 1/2002 केन्द्रीय उत्पाद शुल्क (नॉन टैरिफ)

का.आ. 1567.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा दिनांक 01-07-1994 को जारी की गयी अधिसूचना संख्या 33/94 सीमा शुल्क (नॉन टैरिफ) द्वारा मुझे प्रदान किए गए अधिकारों को कार्यान्वित करते हुए, मैं भा.स. गानू, आयुक्त केन्द्रीय उत्पाद शुल्क पुणे I आयुक्तालय एटद्वारा महाराष्ट्र राज्य के पुणे जिले के मावल तहसील के टाकवे ग्राम परिसर को शतप्रतिशत निर्यात-लक्ष्यी यूनिट स्थापना हेतु, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के अधीन वेग्रहाङ्किंग स्टेशन के रूप में घोषित कर रहा हूँ।

[फाइल संख्या : V जी एन (19) ओ एम-01/2002]

भा.स. गानू, आयुक्त

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE, PUNE-I COMMISSIONERATE

Pune, the 29th April, 2002

NO. 1/2002 C.E. (NT)

S.O. 1567.—In exercise of the powers conferred on me by the Notification No. 33/94-CUS (NT) dated 1-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I, B. S. GANU, Commissioner of Central Excise, Pune-I Commissionerate, Pune, hereby declare Village-Takwe, Taluka-Maval, District-Pune in the State of Maharashtra to be warehousing station

under Section 9 of the Customs Act, 1962 (52 of 1962) for setting up of 100 per cent EOU's.

[F. No. VGN(19) OM-1/2002]
B. S. GANU, Commissioner

(अधिकारी विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1568.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3)(छ) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एटद्वारा श्री कासु सुधाकर, सनदी लेखाकार, 23/1409-33, सी.ए.एम. लेआउट, फातेखानपेठ, नेल्लोर-524003 (आध्र प्रदेश) को 24 अप्रैल, 2002 से तीन वर्ष की अवधि के लिए आन्ध्रा बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा.सं. 9/17/2000-बी.ओ. I(i)]
रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 24th April, 2002

S.O. 1568.—In exercise of the powers conferred by Sub-section (3)(g) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri Kasu Sudhakar, Chartered Accountant, 23/1409-33, C.A.M. Layout, Fathekhanpet, Nellore-524003 (AP) as part-time non-official director of Andhra Bank for a period of three years commencing on 24th April, 2002.

[F. No. 9/17/2000-B.O.I.(i)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1569.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3)(छ) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एटद्वारा श्री देवेश्वर कुमार कपिला, (डी. के. कपिला) सनदी लेखाकार, 3000, भगत सिंह स्ट्रीट, सं. 2, पहाड़गंज, नई दिल्ली-110055 को 24 अप्रैल, 2002 से तीन वर्ष की अवधि के लिए बैंक ऑफ इंडिया में

अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा. सं. 9/17/2000 बी.ओ.-I(ii)]
रमेश चन्द्र, अवर सचिव

New Delhi, the 24th April, 2002

S.O. 1569.—In exercise of the powers conferred by Sub-section (3)(g) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, hereby nominates Shri Deveshwar Kumar Kapila (D. K. Kapila), Chartered Accountant, 3000, Bhagat Singh Street, No. 2, Pahar ganj, New Delhi-110 055 as part-time non-official director of Bank of India for a period of three years commencing on 24th April, 2002.

[F. No. 9/17/2000-B.O.I.(ii)]
RAMESH CHAND, Under Secy.
नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1570.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3)(छ) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री रत्न बंसल, सनदी लेखाकर, मैसर्स आर.एल. बंसल एंड एसोसिएट्स, 377/170, भगत सिंह चौक, कैथल-136027 (हरियाणा) को 24 अप्रैल, 2002 से तीन वर्ष की अवधि के लिए ओरियंट बैंक ऑफ कॉमर्स में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा. सं. 9/17/2000-बी.ओ.-I(iii)]
रमेश चन्द्र, अवर सचिव

New Delhi, the 24th April, 2002

S.O. 1570.—In exercise of the powers conferred by Sub-section (3) (g) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri Rattan Bansal, Chartered Accountant, M/s. R. L. Bansal and Associates, 377/17, Bhagat Singh Chowk, Kaithal-136 027 (Haryana) as part-time non-official director of Oriental Bank of Commerce for a period of three years commencing on 24th April, 2002.

[F. No. 9/17/2000-B.O.I.(iii)]
RAMESH CHAND, Under Secy.
नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1571.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3)(छ) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री विनोद गोयल, सनदी लेखाकार,

210, ईमसीए हाऊस, 23/23, अंसारी रोड, दिरिया गंज, दिल्ली-110002 को 24 अप्रैल, 2002 से तीन वर्ष की अवधि के लिए मिडिकेट बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा. सं. 9/17/2000 बी.ओ.-I(iv)]
रमेश चन्द्र, अवर सचिव

New Delhi, the 24th April, 2002

S.O. 1571.—In exercise of the powers conferred by Sub-section (3)(g) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri Vinod Goel, Chartered Accountant, 210, EMCA House, 23/23, Ansari Road, Daryaganj, Delhi-110 002 as part-time non-official director of Syndicate Bank for a period of three years commencing on 24th April, 2002.

[F. No. 9/17/2000-B.O.I.(iv)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1572.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3)(छ) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री सुरेश चन्द्र गुप्ता, सनदी लेखाकार, 610 न्यू दिल्ली हाऊस, 27, बाग खाम्बा रोड, नई दिल्ली-110001 को 24 अप्रैल, 2002 से तीन वर्ष की अवधि के लिए यूको बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा. सं. 9/17/2000-बी.ओ.-I(v)]
रमेश चन्द्र, अवर सचिव

New Delhi, the 24th April, 2002

S.O. 1572.—In exercise of the powers conferred by Sub-section (3)(g) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri Suresh Chand Gupta, Chartered Accountant, 610, New Delhi House, 27, Barakhamba Road, New Delhi-110 001 as part-time non-official director of UCO Bank for a period of three years commencing on 24 April, 2002.

[F. No. 9/17/2000-B.O.I.(v)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1573.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3)(छ) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री कमल किशोर गुप्ता, सनदी

लेखाकार, 4, उत्कर्ष अपार्टमेंट्स, 2, राजनारण रोड, यमुना मार्ग, सिविल लाइन्स, दिल्ली-110054 को 24 अप्रैल, 2002 से तीन वर्ष की अवधि के लिए युनाइटेड बैंक आफ इंडिया में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा. सं. 9/17/2000-बीओ-I(vi)]

रमेश चन्द्र, अवर सचिव

New Delhi, the 24th April, 2002

S.O. 1573.—In exercise of the powers conferred by Sub-section (3)(g) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri Kamal Kishore Gupta, Chartered Accountant 4, Utkarsh Aptt, 2, Rajnaran Road, Yamuna Marg, Civil Lines, Delhi-110 054 as part-time non-official director of United Bank of India for a period of three years commencing on 24th April 2002.

[F. No. 9/17/2000-B.O.I.(vi)]
RAMESH CHAND, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1574.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) खण्ड (ख) के अनुसरण में डा. सहजा नन्द प्रसाद सिंह, पटना को टी एम भागलपुर विश्वविद्यालय, भागलपुर की सीनेट द्वारा 23 मार्च, 2002 से भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है।

अतः अब केन्द्र सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की दिनांक 9 जनवरी, 1960 की अधिसूचना सं. का.आ. 138 में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में 'धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित' शीर्षक के अन्तर्गत क्रम संख्या 58 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां प्रतिस्थापित की जाएंगी अर्थात्—
"58. डा. सहजा नन्द प्रसाद सिंह तिलक नगर, टी एम भागलपुर बहादूरपुर गुमटी के निकट कंकड़वाग रोड,
पटना-800020

[संख्या वी-11013/2/2002-एम ई (नीति-1)]

पी.जी. कलाधरण, अवर सचिव

पाद टिप्पण : मूल अधिसूचना भारत के राजपत्र में दिनांक 9-1-1960 की का.आ. संख्या 138 के तहत प्रकाशित हुई थी।

1365 GI/2002-2

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 24th April, 2002

S.O. 1574.—Whereas in pursuance of clause (b) of Sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. Sahaja Nand Prasad Singh, Patna, has been elected by the Senate of T.M. Bhagalpur University, Bhagalpur to be a member of the Medical Council of India with effect from 23rd March, 2002.

Now, therefore, in pursuance of the provision of Sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely:—

In the said Notification, under the heading, 'Elected under clause (b) of Sub-section (1) of Section 3, for serial number 58 and the entries relating thereto the following serial number and entry shall be substituted, namely:—

"58. Dr. Sahaja Nand Prasad Singh,
T. M. Bhagalpur University."

Tilak Nagar, Near
Bahadurpur Gumi, Kankarbagh Road, Patna-800020.

[No. V-11013/2/2002-ME (Policy-1)]
P. G. KALADHARAN, Under Secy.

Foot Note:—The Principal notification was published in the Gazette of India, vide S.O. 138, dated 9-1-1960.

नागर विमानन मंत्रालय

नई दिल्ली, 6 मई, 2002

का.आ. 1575.—इस मंत्रालय के दिनांक 24-12-2001 की समसंघक अधिसूचना में आंशिक संशोधन करते हुए, दिनांक 30 सितम्बर, 2001 को मोटा (मैनपुरी रेलवे स्टेशन के नजदीक) में दिल्ली से कानपुर उड़ान के दौरान जिन्दल स्ट्रिप्स लि. का किंग एयर सी-90 विमान बीटी-ईएफएफ दुर्घटनाग्रस्त हो गया था उस दुर्घटना की जांच के संबंध में कैप्टन डी.वी. सिंह, उड़ान संरक्षा निदेशक, इंडियन एयर-लाइंस की अध्यक्षता में गठित जांच-समिति की समयावधि को अंतिम रिपोर्ट प्रस्तुत करने के लिए 15 जनवरी, 2002 तक बढ़ा दिया गया है।

[संख्या एवी-15013/09/2001-एसएस]
पी.एस. राधाकृष्णन, उप सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 6th May, 2002

S.O. 1575.—In partial modification of this Ministry's Notification of even number dated 24-12-2001, the time limit for the Committee of Inquiry headed by Capt. D. V. Singh, Director Flight Safety, Indian Airlines, inquiring into the accident to King Air C-90 aircraft VT-EFF, of

Jindal Strips Ltd. crashed at Mota (Near Mainpuri Railway Station) on 30th September, 2001 while operating from Delhi to Kanpur for submitting the final report is extended upto 15th January, 2002.

[No. AV. 15013/9/2001-SS]
P. S. RADHAKRISHNA, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 अप्रैल, 2002

का. आ. 1576.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपकरणों के निम्नलिखित कार्यालयों को, जिनके 80 या अधिक प्रतिशत कर्मचारीवृद्धि ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।—
हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड

1. चाकण एलपीजी क्षेत्रीय कार्यालय एवं भरण संयंत्र, तलेगांव-चाकण रोड, ग्राम महालुगे (इंगले) चाकण-जिला-पुणे-410501
 2. लखनऊ क्षेत्रीय कार्यालय (प्रत्यक्ष विक्रय)
4, शाहनजफ रोड, लखनऊ-206001
 3. मथुरा संस्थापन
डी-2, यू. पी. एस. आई. डी. सी., साइट-बी इंडस्ट्रीयल एस्ट्रिया, मथुरा-281005
 4. वास्को टर्मिनल,
पोस्ट बाक्स 48,
वास्को-द-गामा, गोवा-403802
 5. मुरिनाम डिपो,
28 नं. गाडेनरीच रोड, कलकत्ता-28
 6. जमशेदपुर डायरेक्ट सेल्स क्षेत्रीय कार्यालय,
बर्मांगाइन्स-स्टेशन रोड, निकट स्टार टाकीज
जमशेदपुर-831002
 7. गोरखपुर एलपीजी भरण संयंत्र,
ग्राम-बोकटा-सहजनवा, गोरखपुर
 8. उन्नाव एलपीजी भरण संयंत्र,
ओडियोगिक क्षेत्र, उन्नाव
 9. आगरा रिटेल क्षेत्र
इस्पात भवन
संजय प्लेस, आगरा
 10. करारी डिपो,
करारी,
जिला-आसी
- इडियन आयल कार्पोरेशन लिमिटेड
11. काडला-भट्टिंडा पाइपलाइन
आबूरोड पम्प स्टेशन
आबूरोड-307026,
जिला-सिरोही (राजस्थान)

12. कांडला-भट्टिंडा पाइपलाइन
सिद्धपुर

भारत पेट्रोलियम कार्पोरेशन लिमिटेड

13. प्रादेशिक कार्यालय (रिटेल, इस्टालेशन सहित)
पानीपत ।

[स. 11011(1)/2002-2003 (हिन्दी)]

सी.पी. सिंह, उप निदेशक (रा.भा.)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th April, 2002

S.O. 1576.—In pursuance of Sub Rule (4) of Rule 10 of the official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the administrative control of the Ministry of Petroleum and Natural Gas, the 80 or more percent staff whereof have acquired working knowledge of Hindi :—

Hindustan Petroleum Corporation Ltd.

1. Chakan LPG Regional office and Bottling plant, Talegaon-Chakan Road, Vill. Mahalunge (Ingle) Chakan, Distt.-Pune-410501.
2. Lucknow Regional office (Direct sale)
4, Shahnazaf Road, Lucknow-206001.
3. Mathura Installation
D-2, UPSIDC, Site B Industrial Area, Mathura-281005.
4. Vasco Terminal,
Post Box 48,
Vasco De-Gama, Goa-403802.
5. Surinam Depot
28 No. Gardenreecch Road, Calcutta-28.
6. Jamshedpur Direct Sales Regional Office, Burma Mines-Station Road, Near Star Talkies, Jamshedpur-831002.
7. Gorakhpur LPG Bottling plant,
Vill: Bokata-Sahajanva, Gorakhpur.
8. Unnao LPG Bottling plant,
Industrial Area, Unnao.
9. Agra Retail Area,
Ispat Bhavan,
Sanjay Place, Agra.
10. Karari Depot,
Karari,
Distt.: Jhansi.

Indian Oil Corporation Ltd.

11. Kandla-Bhatinda Pipeline,
Abu Road Pump Station,
Abu Road-307028,
Distt. Sirohi (Rajasthan).
12. Kandla-Bhatinda Pipeline,
Sidhpur.

Bharat Petroleum Corporation Ltd.

13. Regional Office (Retail, including installation)
Panipat.

[No. 11011(1)/2002-2003 (Hindi)]

C. P. SINGH, Dy. Director (OL)

नई दिल्ली, 3 मई, 2002

का. आ. 1577.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र तारीख 29 दिसम्बर, 2001 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का. आ. 3491 तारीख 21 दिसम्बर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में पानेवाड़ी (मनमाड़) से मध्यप्रदेश राज्य में मांगल्या (इन्दौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई—मनमाड़ पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा कर दी थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 20 जनवरी 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उस रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, यह विनिश्चय किया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के लिए अर्जित किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाय, सभी विलंगमों से मुक्त भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तेलसील : ठीकरी

जिला : बडवाली

शब्द : मध्यप्रदेश

ग्राम का नाम	सर्वेक्षण सं.	क्षेत्रफल
1. जरवाया	186/3 190 (सड़क) 217 222(स. चरागाह) 220 208 (बोयड नदी)	0.1383 0.0377 0.1454 0.0685 0.0324 0.0954
2. खेड़ी	36 33/2 32/1 31 29 28/5 28/4 25 24/1 } 24/3 } 24/4 } 24/5 } 24/6 } 24/2 (नहर)	0.6688 0.0722 0.0760 0.2166 0.2128 0.1140 0.1026 0.0114 0.3646 0.0304
3. ठीकरी	12/1 } 12/2 } 12/3 }	0.1808
	6/2 6/3 6/4 7 8 3 4	0.0344 0.0793 0.0316 0.2700 0.2132 0.0282 0.1296
4. शोरपुरा	36/2 36/3/2	0.3290 0.0845

ग्राम का नाम	सर्वेक्षण सं.	क्षेत्रफल
शेरपुरा (निरंतर....)	36/3/1	0.2305
	36/1	0.2950
	39 (स.ज़ाला)	0.0543
	40,42	0.0232
	41	0.4176
	30/2	0.3748
	27/1	0.2792
	27/2	
	27/3	
	26	0.0512
5. सेगवाल	28	0.1584
	261 (स.ज़ाला)	0.0830
	262	0.1512
	263/1	0.1080
	264/1	0.0960
	249/1/2	0.0288
	263/2,264/2 (नहर)	0.0216
	265	0.3816
	266 (स. चरागाह)	0.1008
	267 (सड़क)	0.0216
	268 (सड़क)	0.0216
	269 (सड़क)	0.0216
	272/1 (स.भूमि)	0.4320
	272/2 (स.भूमि)	0.0216
	280 (स. चरागाह)	0.2232
	281/1	0.1440
	281/2	
	282/1	0.1872
	282/2	
	287/3	0.0648
	284/2 क	0.1440
	284/2 ख	
	284/1 क	
	284/1 ख	
	286/1,286/2	0.2260

बाम नं ज्ञ लाम	सर्वेक्षण सं.	क्षेत्रफल
संगवाल (निरंतर...)	307/1/2	0.0720
	342/1 } 342/2 }	0.2088
	349 (तालाब)	0.1116
	350 (स. नाला)	0.0144
	347/1	0.2160
	346	0.0288
	360	0.1296
	359 (तालाब)	0.0216
	358 (तालाब)	0.0216
	341(तालाब)	0.0216
	361/1 } 361/2 }	0.0705
	361/3 }	
	340 (तालाब)	0.0760
	368/1 } 368/2 }	0.2376
	337/1 } 337/2 }	0.0576
	335	0.0936
	334	0.1080
	336/1 (तालाब) } 336/2 }	0.1008
	323/4 } 323/3 }	0.4392
	323/2 }	
6. सिरसाला	206	0.1913
	205(स.नाला)	0.0144
	204	0.1301
	203	0.1605
	202(स.चरागाह)	0.1585
	179/1 } 179/2 }	0.0684
	179/3 }	

ग्राम का नाम	सर्वेक्षण सं.	क्षेत्रफल
सिरसाला (निरंतर...)	188	0.4983
	189	0.0217
	190	0.0450
	124,125,126	0.3344
	114/1/5	0.0015
	114/1/4	0.0408
	114/1/3	0.0680
	114/1/2	0.0681
	114/1/1	0.0804
	114/2(तालाब)	0.1130
	113 (यष्टीय राजमार्ग)	0.0210
	112 (यष्टीय राजमार्ग)	0.0203
	111 (यष्टीय राजमार्ग)	0.0645
	109(तालाब)	0.0390
	108/2 (स.नगला)	0.1018
	107/2(तालाब)	0.1129
	106/2(तालाब)	0.1480
	91/2(तालाब)	0.0216
	90(तालाब)	0.1440
	89(तालाब)	0.0864
	86/1(तालाब)	0.3571
	86/2(तालाब)	0.0473
	85/1(तालाब)	0.0324
	84/2(तालाब)	0.2209
	83/1(तालाब)	0.4096
7. खुरमपुरा	6 (आबादी)	0.0684
	9	0.0224
	7	0.2490
	11/1/1/1/1/1/1	1.1570
	11/1/4	
	11/1/1/1/5	
	11/1/1/5	
	11/1/1/2	
	11/2	

ग्राम का नाम	सर्वेक्षण सं.	क्षेत्रफल
खुरमपुरा (निरंतर....)	5	0.1396
	10	0.1008
	12	0.1440
	13	0.0395
	14	0.3449
	1(स. चरागाह)	0.2277
	15,15/234,15/235	0.3648
	16/1/1(स. चरागाह)	0.2707
	16/225	0.3072
	28	0.0180
	29,16/1/2	0.0648
	30,16/1/3	0.0684
	37	0.0324
	38	0.0425
	50	0.0145
	51/1/1	0.5401
	51/1	{
	51/2	
	51/2/1	
	51/3/1	
	52	0.2654
	3	0.0576
8. टेमला	332	0.4464
	348	0.0137
	324	0.0720
	323	0.0864
	315,316,318	0.7252
	344,343	0.7938
	333 (स. चरागाह)	0.0188
	345/1,345/2,345/3	0.1512
	314,320	0.1836
	327,328,322	0.6336
	340/1(स. चरागाह)	0.5128
	164	0.0140
	339	0.1404
	338	0.1440
	335,329 (स.न्याला)	0.0648
	334	0.0927

ग्राम का नाम	सर्वेक्षण सं.	क्षेत्रफल
9. घुलानिया	2	0.0849
	1/1 से 1/6 तथा शामिल नं.	0.6326
	5/1, 5/2	0.1301
10. बरसलाय	368	0.0071
	348	0.4573
	346/10/1	0.5197
	346/5	
	346/6	
	346/7	
	346/8	
	346/9	
	346/10/2	
	345	0.5959
	342, 339	0.0357
	338/1/1क, 338/1/2	0.3500
	338/1/1ख, 338/2	
	338/1/1 ग	
	337	0.0370
	333/1	
	333/2	
	334/1	
	334/2	0.1593
	332	0.0178
	320/1	0.4469
	320/2/5	
	320/3 क	
	320/3 ख	
	320/3 ग	
	320/4	
	320/5	
	320/6	
	320/7	
	319	0.1999
	317	0.3672

ग्राम का नाम	सर्वेक्षण सं.	क्षेत्रफल
	316/1 } 316/2 } 316/3 }	0.1663
	84/1 } 84/2 }	0.0357
	86/1 } 86/2 }	0.1499
	85 (स. रस्ता)	0.0214
	90	0.0499
118,119 खण्डी उपमंडल सं. 121/2/1		1.2309
	134/1/1 } 134/1/2 } 134/2 } 134/3 }	0.0713
	143/3/1 } 143/2/3 } 143/4/1 } 143/4/2 }	0.3326
	144/1 से 144/11	0.2784
	172/1 } 172/2 }	0.3950
	173	0.3672
	171/1 } 171/2 }	0.0535
	199	0.1570
	200	0.0450
	201/2,202	0.1178
	203	0.0107
	204	0.0554
	205/1/1,205/2/2 } 205/2/1 }	0.7414
	248	0.0762
	247/1/1/1 (ख.नाला)	0.0214
	246	0.5783
	247/1/1/2	0.0107

ग्राम का नाम	सर्वेक्षण सं.	दोषफल
बरसलाय (निरंतर...)	225/1 225/2, 230/2 225/3 230/3 230/6/2 230/9 230/1/1/4 230/1/1	0.6068
	231	0.5069
		0.1285

[फा. सं. आर.-31015/34/2001 ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 3rd May, 2002

S. O. 1577.— Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.3491, dated the 21st December, 2001 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India on the 29th December, 2001, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products through the Mumbai-Manmad Pipeline Extension Project from Panewadi(Manmad) in the State of Maharashtra to Manglya (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 20th January 2002;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline and has decided to acquire the right of user in the land specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : THIKRI	DISTRICT : BADWANI	STATE : MADHYA PRADESH
NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1. JARVAYA	186/3	0.1383
	190 (Road)	0.0377
	217	0.1454
	222(GL)	0.0685
	220	0.0324
	208 (Borad River)	0.0954
2. KHEDI	36	0.6688
	33/2	0.0722
	32/1	0.0760
	31	0.2166
	29	0.2128
	28/5	0.1140
	28/4	0.1026
	25	0.0114
	24/1	0.3646
	24/3	
	24/4	
	24/5	
	24/6	
	24/2 (CANAL)	0.0304
3. THIKRI	12/1	0.1808
	12/2	
	12/3	
	6/2	0.0344
	6/3	0.0793
	6/4	0.0316
	7	0.2700
	8	0.2132
	3	0.0282
	4	0.1296
4. SHERPURA	36/2	0.3290
	36/3/2	0.0845

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SHERPURA (Cont'd)	36/3/1	0.2305
	36/1	0.2950
	39 (G. DRAIN)	0.0543
	40,42	0.0232
	41	0.4176
	30/2	0.3748
	27/1	} 0.2792
	27/2	
	27/3	
	26	0.0512
5. SEGWAL	28	0.1584
	261 (G.DRAIN)	0.0830
	262	0.1512
	263/1	0.1080
	264/1	0.0960
	249/1/2	0.0288
	263/2,264/2 (CANAL)	0.0216
	265	0.3816
	266 (GL)	0.1008
	267 (ROAD)	0.0216
	268 (ROAD)	0.0216
	269 (ROAD)	0.0216
	272/1 (GL)	0.4320
	272/2 (GL)	0.0216
	280 (GL)	0.2232
	281/1	} 0.1440
	281/2	
	282/1	} 0.1872
	282/2	
	287/3	0.0648
	284/2 K	} 0.1440
	284/2 KH	
	284/1 K	
	284/1 KH	
	286/1,286/2	0.2260

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SEGWAL (Cont'd)	307/1/2	0.0720
	342/1	0.2088
	342/2	
	349 (POND)	0.1116
	350 (G.DRAIN)	0.0144
	347/1	0.2160
	346	0.0288
	360	0.1296
	359 (POND)	0.0216
	358 (POND)	0.0216
	341 (POND)	0.0216
	361/1	0.0705
	361/2	
	361/3	
	340 (POND)	0.0760
	368/1	0.2376
	368/2	
	337/1	0.0576
	337/2	
	335	0.0936
	334	0.1080
	336/1 (POND)	0.1008
	336/2	
	323/4	0.4392
	323/3	
	323/2	
6. SIRSALA	206	0.1913
	205(G.DRAIN)	0.0144
	204	0.1301
	203	0.1605
	202(GL)	0.1585
	179/1	0.0684
	179/2	
	179/3	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SIRSALA (Cont'd)	188	0.4983
	189	0.0217
	190	0.0450
	124,125,126	0.3344
	114/2	0.0015
	114/1	0.0408
	114/1/3	0.0680
	114/1/2	0.0681
	114/1/1	0.0804
	114/2(POND)	0.1130
	113(National Highway)	0.0210
	112 (National Highway)	0.0203
	111(National Highway)	0.0645
	109(POND)	0.0390
	108/2 (G.DRAIN)	0.1018
	107/2(POND)	0.1129
	106/2(POND)	0.1480
	91/2(POND)	0.0216
	90(POND)	0.1440
	89(POND)	0.0864
	86/1(POND)	0.3571
	86/2(POND)	0.0473
	85/1(POND)	0.0324
	84/2(POND)	0.2209
	83/1(POND)	0.4096
7. KHURAMPURA	6 (Abadi)	0.0684
	9	0.0224
	7	0.2490
	11/1/1/1/1/1	1.1570
	11/1/4	
	11/1/1/1/5	
	11/1/1/5	
	11/1/1/2	
	11/2	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
KHURAMPURA (Cont'd)		
	5	0.1396
	10	0.1008
	12	0.1440
	13	0.0395
	14	0.3449
	1(GL)	0.2277
	15,15/234,15/235	0.3648
	16/1/1(GL)	0.2707
	16/225	0.3072
	28	0.0180
	29,16/1/2	0.0648
	30,16/1/3	0.0684
	37	0.0324
	38	0.0425
	50	0.0145
	51/1/1	0.5401
	51/1	{}
	51/2	
	51/2/1	
	51/3/1	
	52	0.2654
	3	0.0576
8. TEMLA	332	0.4464
	348	0.0137
	324	0.0720
	323	0.0864
	315,316,318	0.7252
	344,343	0.7938
	333 (GL)	0.0188
	345/1,345/2,345/3	0.1512
	314,320	0.1836
	327,328,322	0.6336
	340/1(GL)	0.5128
	164	0.0140
	339	0.1404
	338	0.1440
	335,329 (G.DRAIN)	0.0648
	334	0.0927

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
9. DHULANIYA	2	0.0849
	1/1 TO 1/6 & Jnt.No.	0.6326
	5/1,5/2	0.1301
10. BARSALAY	368	0.0071
	348	0.4573
	.346/10/1	0.5197
	346/5	
	346/6	
	346/7	
	346/8	
	346/9	
	346/10/2	
	345	0.5959
	342,339	0.0357
	338/1/1 K, 338/1/2	0.3500
	338/1/1 KH, 338/2	
	338/1/1 G	
	337	0.0370
	333/1	
	333/2	
	334/1	
	334/2	
	332	0.0178
	320/1	
	320/2/5	
	320/3 K	
	320/3 KH	
	320/3 G	
	320/4	
	320/5	
	320/6	
	320/7	
	319	0.1999
	317	0.3672
	316/1	
	316/2	
	316/3	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BARSALAY (Cont'd)	84/1	0.0357
	84/2	}
	86/1	}
	86/2	
	85(GCT)	0.0214
	90	0.0499
	118,119 SUB DIV. NO.	1.2309
	121/2/1	}
	134/1/1	
	134/1/2	}
	134/2	
	134/3	
	143/3/1	
	143/2/3	0.0713
	143/4/1	
	143/4/2	
	144/1 TO 144/11	0.3326
	172/1	
	172/2	0.2784
	173	
	171/1	
	171/2	0.3950
	199	
	200	0.3672
	201/2,202	
	203	0.0535
	204	
	205/1/1,205/2/2	0.1178
	205/2/1	
	248	0.7414
	247/1/1/1(G.DRAIN)	0.0107
	246	
	247/1/1/2	0.5783
	225/1	
	225/2,230/2	0.0107
	225/3	0.6068

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BARSALAY (Cont'd)	230/3	0.5069
	230/6/2	
	230/9	
	230/1/1/4	
	230/1/1	
	231	0.1285

[F No R-31015/34/2001 OR-II.]
HARISH KUMAR, Under Secy.

नई दिल्ली, 3 मई, 2002

का. आ. 1578.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का. आ. 131 तारीख 11 जनवरी, 2002 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में पानेवाडी (मनमाड) से मध्यप्रदेश राज्य में मांगल्या (इन्दौर) तक मुंबई—मनमाड पाइपलाइन विस्तार परियोजना के माध्यम से पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा कर दी थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 6 फरवरी 2002 को उपलब्ध करा दी गई थीं ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है और जो इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट है, में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है। ;

अतः, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : महू

जिला : इन्दौर

राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर
1. कालीकिया	62 (अजनार नदी)	0.2040
2. दुर्जनपुरा	329 (सड़क)	0.0488
	50	0.1827
	49 (स. चरागाह)	0.1712
	51	0.2196
	67/1	0.0678
	46/1	} 0.1812
	46/2	
	74	0.2552
	72/1	} 0.2423
	72/2	
	76	0.0633
	48	0.0050
	77	0.3914
	34/3	0.0060
	80	0.0920
	129 (सड़क)	0.0344
	136/1/1	} 0.3048
	136/1/2	
	136/1/3	
	136/1/4	
	136/2	
	136/3/1	} 0.1295
	136/3/2	
	135	0.7173
	145	0.0202
	150	0.1295
	156	0.0091

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
दुर्जनपुरा (निरंतर...)	154	0.1465
	153	0.1175
	152 (नटी)	0.0379
	274	0.3576
	273	0.3046
	278	0.0107
	279	0.3869
	298/1	} 0.0343
	298/2	
	297 (स.यस्ता)	0.0643
	296/1	} 0.2861
	296/2	
	320/1	} 0.3222
	320/2	
	320/3	
	321/1	} 0.5089
	321/2	
3. सिंहोद	382	0.0144
	385	0.2044
	386	0.1336
	389	0.2504
	390/1	} 0.0877
	390/2	
	422	0.0180
	425/1	} 0.2764
	425/2	
	498	0.4464
	500	0.1393
	497	0.0918
	496 (स. यस्ता)	0.0093
	484/1	} 0.1337
	484/2	
	485	0.0312

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर		
सिंहोद (निरंतर..)	486	0.1249		
	487	0.1391		
	488	0.1451		
	466/1	}	0.1627	
	466/2			
	490	0.0496		
	492	0.3816		
	460/1	}	0.1080	
	460/2			
	459	0.2478		
	458(स. चरागाह)	0.1296		
4.	जाखूछेड़ी	186(स. चरागाह)	0.0833	
		184/1	}	0.3685
		184/2		
		182/1	}	0.1824
		182/2		
		183(स. चरागाह)	0.0467	
5.	कुमठी	197	0.1240	
		196	0.3386	
		195/1(स. भूमि)	0.2234	
		194	0.0930	
		179	0.1721	
		180	0.0631	
		178/2	0.1215	
		178/1	0.0909	
		175/2 (स. चरागाह)	0.0450	
		175/1 (स. चरागाह)	0.1045	
		164/2,163	0.1648	
		170	0.1394	
		171	0.0325	
		172 (स.नाला)	0.0153	

ग्राम का नाम	सर्वे नम्बर *	क्षेत्रफल हैक्टेयर
कुमठी (निरंतर..)	38	0.0684
	37	0.1642
	33/1/1	0.0992
	33/1/2	0.0497
	28,27	0.0080
	29	0.3003
	10/4	0.1003
	10/3	0.3680
	10/2	0.1221
	9/1	0.0050
	8	0.3344
	52(स.नाला)	0.0192
	55(स. चरागाह)	0.0611
	3 (स.नाला)	0.0311
6. स्थुदालपुरा	6(स.रास्ता)	0.0026
	8(स.चरागाह)	0.0066
	7/1	} 0.5360
	7/2	
	1 (स.नाला)	0.0182
7. कमदपुर	340 (स.नाला)	0.0144
	368	0.0643
	369	0.0308
	370	0.0648

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
कमदपुर (निरंतर...)	376	0.1115
	375	0.0187
	377	0.2695
	412	0.0044
	417	0.0537
	416	0.3530
	413	0.0654
	414	0.0997
	408	0.1546
	424	0.1307
	407	0.0035
	425	0.0862
	427	0.0563
654 (स.रास्ता)	654 (स.रास्ता)	0.0307
655/1/1		
655/1/2		
655/1/3		0.2142
653	653	0.0830
656/1		
656/2		0.1830
637 (स.रास्ता)	637 (स.रास्ता)	0.0532
608	608	0.0903
609/1	609/1	0.0083
610/2/2	610/2/2	0.0184
611/2/1	611/2/1	0.1574

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर
कमटपुर (निरंतर...)	620	0.1072
	612/1	0.0869
	612/2	
	616/1	0.1301
	616/2	
	617/1	0.0512
	617/2	
	617/3	
	617/4	0.0928
	615/1	
	615/2	
	615/3	
	615/4	0.0224
	614/1	
	614/2	
	678/1	0.2974
	678/2	
	678/3	
	678/4	
	678/5	0.0319
	679/1	
	680/1	0.0733
	680/2	
	680/3	
	681(पहाड़)	0.1637
	684	0.2613
8. सीतापाट	683 (स. चरागाह)	0.0164
	354(स. चरागाह)	0.0683
	353/1	0.1460
	353/2	
	347/1	0.1222
	347/2	
	348	0.0608

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
सीतापाट (निरंतर...)	318(स.रास्ता)	0.0081
	346/1	0.0437
	346/2	
	346/3	
	346/4	
	322/2	0.1121
	322/4	0.1285
	322/3	0.0609
	322/1	0.1030
	322/5	0.0983
	305	0.3168
	304/1	0.1614
	304/2	
	304/3	
	303/1	0.3384
	303/2	
	303/3	
	303/4	
	301, 302	0.0456
	300	0.0402
	246/2	0.0004
	291/1	0.1481
	291/2	
	290	0.0521
	250	0.2453
	251	0.0394
	266/1	0.1690
	266/2	
	265/1	0.1453
	265/2	
	265/3	
	270	0.0635
	269	0.0608
	268	0.0265

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
सीतापाट (निरंतर...)	267	0.0963
278(स. चरागाह)		0.0351
279		0.0390
178		0.0016
179		0.0009
180		0.0070
177		0.1564
145/1		0.1311
145/2		
145/3		
145/4		
145/5		
146		0.0144
144/1		0.0311
144/5		
143(स.नाला)		0.0262
132/1		0.0715
132/2		
132/3		
132/4		
133		0.0546
134		0.0001
130/1		0.0774
130/2		
130/3		
130/4		
130/5		
130/6		
131/3		0.0090

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
सीतापाट (निरंतर...)	123/1	0.4055
	123/2	
	123/3	
	123/4	
	123/5	
	122/1	0.0708
	122/2	
	121(स. चरागाह)	0.0033
	109/1	0.0253
	109/2	
	109/3	
	107/1	0.0743
	107/2	
	107/3	
	84/387	0.0937
	84/2	0.3726
	84/3	
	84/4	
	84/5	
	84/6	
	90/1	0.7074
	90/2	
	90/3	
	90/4	
	90/5	
	79/1 से 79/10	0.1486
	91/1	0.1303
	91/2	
	91/3	
	91/4	
	92	0.0142
	93	0.0250
	94/1	0.3628
	94/2	
	94/3	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
सीतापाट (निरंतर...)	95/1 95/2 95/3 95/4	0.0808
9. थवलाय	2/4 1	0.1496 0.0200
10. लालपुरा	133/1 130 44	0.0120 0.0350 0.0096
11. अवलाय	24 (स नाला) 20/1 20/2 20/3 21/1 21/2 21/3 18/1 18/2 18/3 18/5 18/6 13/1 13/2 13/3 41 (स सड़क) 16/1 16/2,17 16/3 12/1 12/2 10/1 10/2	0.0160 0.0641 0.1511 0.3376 0.0717 0.0250 0.0578 0.1670 0.1888

श्रम का नाम	सर्वे नम्बर	टोक्रफल हैक्टेयर
अवलाय (निरंतर....)	9/1 9/2	0.1321
	8	0.1825
	6/1, 5/1 6/2	0.0072
	7	0.0088
	4 (स नाता)	0.0188
12. जामन्या	50 (स नाता) 51/1 51/2	0.0151 0.2628
	52, 53/1 53/2	0.4308
	44/1 (स यस्ता)	0.0149
	43	0.1624
	42	0.2635
	63	0.1850
	64	0.1750
	65(स. चरागाह)	0.0111
	38	0.2662
	37/1 37/2 37/3 37/4 37/5 37/6	0.5741
	4/1, 3/1, 5 4/2, 3/2	0.3143
	3/3	0.0122

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
जामन्या (निरंतर.....)	2/2	0 0055
	105	0 0045
	2/1 (स चरागाह)	1 0288
	2/3, 102/2	0 0810
13. अरटला	51 से 61	0 3693
	106 (स नाला)	0 0379
	105	0 0020
	102(सजय जलाशय)	0 1424
	101	0 0253
	103/1 } 103/2 }	0 1153
	104/1/1 } 104/1/2 }	0 1003
	104/2 }	
	99	0 1184
	97(स रास्ता)	0 0377
	96	0.1368
	95	0 3041
	94/5	0.2998
	94/6 } 94/7 }	
	94/12 } 94/13 }	0 6480
	94/3 } 94/2 }	
	94/1 }	
	246/1	0 4435
	156/380	0 0576
	156/1/1 } 156/1/2 }	
	156/2 }	
	156/13/2 }	
	156/14/1/1 } 156/14/1/2 }	1.9411
	156/14/2/1 }	
	156/14/2/2 }	
	155 (भा शा रक्षा सपदा)	0 0869

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
अरटला (निरंतर....)	154/1 154/2	0.0576
	150	0.2628
	149	0.0216
32 (स. ग्राम)	32	0.0144
	145	0.4824
	143	0.1800
	44	0.0324
	142	0.1296
	48/1 48/2	0.2808
	50/1 50/2 50/3	0.2016
132 (नदी)	132	0.0324
14. गोपालपुरा	2	0.2664
	48/1 48/2	0.2196
	49/1 49/2	0.3384
50 (स. ग्राम)	50	0.0140
	51/6	0.0405
	51/5	0.1980
	51/4	0.2016
	51/3	0.2088
	51/2	0.0317
91(स. ग्राम)	91	0.0095
	92/1 92/2	0.3657

ग्राम का नाम	सर्वे नम्बर	क्षेत्रपालक हैवटेचर
15. आटखेडी		
	322/5 क	
	322/5 ख	
	322/6	
	322/7	
	322/8	
	321	0.1944
	319 (सड़क)	0.0216
	318 (सड़क)	0.0180
	317 (सड़क)	0.0288
	336/1	
	336/2	
		0.4608
	314/1 से 314/16	0.8424
	313 (स.नाटा)	0.0144
	312/1	
	312/2	
	312/3	
	311/2	0.0792
	305	0.1420
	306	0.0446
	307	0.1180
	78 (स. यस्ता)	0.0144
	308	0.0180
	79	0.1193
	79/808/1/7	0.1124
	80	0.0180
	81	0.0482
	85	0.1080

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
शाटखेडी (निरंतर....)	86/1	0.1080
	86/2	}
	87	0.2304
	88/1	0.3276
	88/2	}
	88/307	0.1538
	88/306	0.1368
	97/1	0.1296
	97/2	}
	96	0.1368
	112	0.1764
	111/1	0.1804
	111/2	}
	108/1	0.1440
	110(स. चरागाह)	0.0859
	116(स. रास्ता)	0.0148
	149	0.0072
	150,152/2,153/1	0.0720
	151/1	0.1347
	151/2	}
	165	0.0037
	164,166	0.1332
	163	0.0308
	167	0.0050
	168	0.0972
	173	0.0648
	171	0.0648
	177,178	0.0684
	176	0.0648
	175	0.0576
	180	0.2584
	181	0.0864
	184	0.0936
	208	0.0216
	205	0.0588
	204	0.1260

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर
आटडोडी (निरंतर....)	201	0.1512
	197	0.0792
	196	0.1116
193(स. चरागाह)		0.0576
	195	0.0180

[फा. सं. आर.-31015/44/2001 ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 3rd May, 2002

S. O. 1578.— Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.131 dated the 11th January, 2002 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products through the Mumbai-Manmad Pipeline Extension Project from Panewadi(Manmad) in the State of Maharashtra to Mangliya (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, copies of the said Gazette notification were made available to the public on ~~6th~~ February 2002;

And, whereas, the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline and has decided to acquire the right of user in the land specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL: MHOW	DISTRICT : INDORE	STATE : MADHYA PRADESH
NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1. KALIKIRAY	62 (Ajnar River)	0 2040
2. DURJANPURA	329 (Road)	0 0488
	50	0 1827
	49(GL)	0 1712
	51	0 2196
	67/1	0 0678
	46/1	} 0 1812
	46/2	
	74	0 2552
	72/1	} 0 2423
	72/2	
	76	0 0633
	48	0 0050
	77	0 3914
	34/3	0 0060
	80	0.0920
	129 (Road)	0 0344
	136/1/1	} 0 3048
	136/1/2	
	136/1/3	
	136/1/4	
	136/2	
	136/3/1	
	136/3/2	
	135	0 7173
	145	0 0202
	150	0 1295
	156	0 0091
	154	0 1465

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
DURJANPURA (Cont'd)	153	0.1175	
	152(RIVER)	0.0379	
	274	0.3576	
	273	0.3046	
	278	0.0107	
	279	0.3869	
	298/1	}	0.0343
	298/2		
	297(GCT)	0.0643	
	296/1	}	0.2861
	296/2		
	320/1	}	0.3222
	320/2		
	320/3		
	321/1	}	0.5089
	321/2		
3. SIHOD	382	0.0144	
	385	0.2044	
	386	0.1336	
	389	0.2504	
	390/1	}	0.0877
	390/2		
	422	0.0180	
	425/1	}	0.2764
	425/2		
	498	0.4464	
	500	0.1393	
	497	0.0918	
	496(GCT)	0.0093	
	484/1	}	0.1337
	484/2		
	485	0.0312	
	486	0.1249	
	487	0.1391	
	488	0.1451	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SIHOD (Cont'd)	466/1	
	466/2	}
	490	0.0496
	492	0.3816
	460/1	}
	460/2	0.1080
	459	0.2478
	458(GL)	0.1296
4. JAKHUKHEDI	186(GL)	0.0833
	184/1	}
	184/2	0.3685
	182/1	}
	182/2	0.1824
	183(GL)	0.0467
5. KUMTHI	197	0.1240
	196	0.3386
	195/1(GL)	0.2234
	194	0.0930
	179	0.1721
	180	0.0631
	178/2	0.1215
	178/1	0.0909
	175/2 (GL)	0.0450
	175/1 (GL)	0.1045
	164/2,163	0.1648
	170	0.1394
	171	0.0325
	172 (G.DRAIN)	0.0153
	38	0.0684
	37	0.1642
	33/1/1	0.0992
	33/1/2	0.0497

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
KUMTHI (Cont'd)	28,27	0.0080
	29	0.3003
	10/4	0.1003
	10/3	0.3680
	10/2	0.1221
	9/1	0.0050
	8	0.3344
	52 (G.DRAIN)	0.0192
	55(GL)	0.0611
	3 (G.DRAIN)	0.0311
6. KHUDALPURA	6(GCT)	0.0026
	8(GL)	0.0066
	7/1	} 0.5360
	7/2	
	1 (G. DRAIN)	0.0182
7. KAMADPUR	340 (G.DRAIN)	0.0144
	368	0.0643
	369	0.0308
	370	0.0648
	376	0.1115
	375	0.0187
	377	0.2695
	412	0.0044
	417	0.0537
	416	0.3530

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
KAMADPUR (Cont'd)	413	0.0654
	414	0.0997
	408	0.1546
	424	0.1307
	407	0.0035
	425	0.0862
	427	0.0563
	654(GCT)	0.0307
	655/1/1	
	655/1/2	0.2142
	655/1/3	
	653	0.0830
	656/1	0.1830
	656/2	
	637(GCT)	0.0532
	608	0.0903
	609/1	0.0083
	610/2/2	0.0184
	611/2/1	0.1574
	620	0.1072
	612/1	0.0869
	612/2	
	616/1	0.1301
	616/2	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
KAMADPUR (Cont'd)	617/1 617/2 617/3 617/4	0.0512
	615/1 615/2 615/3 615/4	0.0928
	614/1, 614/2	0.0224
	678/1 678/2 678/3 678/4 678/5	0.2974
	679/1	0.0319
	680/1 680/2 680/3	0.0733
	681(PAHAD)	0.1637
	684	0.2613
	683(GL)	0.0164
8. SITAPAT	354(GL)	0.0683
	353/1 353/2	0.1460
	347/1 347/2	0.1222
	348	0.0608
	318(GCT)	0.0081
	346/1 346/2 346/3 346/4	0.0437
	322/2	0.1121
	322/4	0.1285
	322/3	0.0609

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SITAPAT (Cont'd)		
	322/1	0.1030
	322/5	0.0983
	305	0.3168
	304/1	
	304/2	0.1614
	304/3	
	303/1	
	303/2	0.3384
	303/3	
	303/4	
	301, 302	0.0456
	300	0.0402
	246/2	0.0004
	291/1	
	291/2	0.1481
	290	0.0521
	250	0.2453
	251	0.0394
	266/1	
	266/2	0.1690
	265/1	
	265/2	0.1453
	265/3	
	270	0.0635
	269	0.0608
	268	0.0265
	267	0.0963
	278(GL)	0.0351
	279	0.0390
	178	0.0016
	179	0.0009
	180	0.0070
	177	0.1564

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SITAPAT (Cont'd)		
	145/1	
	145/2	
	145/3	
	145/4	
	145/5	
	146	0.1311
	144/1	
	144/5	0.0144
	143 (G.DRAIN)	0.0311
	143 (G.DRAIN)	0.0262
	132/1	
	132/2	
	132/3	
	132/4	
	133	0.0715
	134	
	130/1	
	130/2	
	130/3	
	130/4	
	130/5	
	130/6	
	130/6	0.0546
	130/1	
	130/2	
	130/3	
	130/4	
	130/5	
	130/6	0.0001
	130/6	0.0774
	131/3	
	123/1	
	123/2	
	123/3	
	123/4	
	123/5	
	123/5	0.0090
	123/1	
	123/2	
	123/3	
	123/4	
	123/5	
	122/1	
	122/2	
	121(GL)	0.4055
	122/1	
	122/2	
	121(GL)	0.0708
	121(GL)	
	121(GL)	0.0033

1365 G.I/02 5,

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SITAPAT (Cont'd)		
	109/1	
	109/2	{ 0.0253
	109/3	
	107/1	{
	107/2	{ 0.0743
	107/3	
	84/387	0.0937
	84/2	{
	84/3	{
	84/4	{ 0.3726
	84/5	
	84/6	
	90/1	{
	90/2	{
	90/3	{ 0.7074
	90/4	
	90/5	
	79/1 TO 79/10	0.1486
	91/1	{
	91/2	{
	91/3	{ 0.1303
	91/4	
	92	0.0142
	93	0.0250
	94/1	{
	94/2	{ 0.3628
	94/3	
	95/1	{
	95/2	{
	95/3	{ 0.0808
	95/4	
9. THAVALAI	2/4	0.1496
	1	0.0200

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
10. LAPURA	133/1	0.0120
	130	0.0350
	44	0.0096
11. AUVLAI	24 (G.DRAIN)	0.0160
	20/1	
	20/2	}
	20/3	
	21/1	}
	21/2	
	21/3	
	18/1	
	18/2	}
	18/3	
	18/5	
	18/6	
	13/1	
	13/2	
	13/3	
	41(ROAD)	0.0250
	16/1	
	16/2,17	}
	16/3	
	12/1	
	12/2	
	10/1	
	10/2	
	9/1	
	9/2	
	8	
	6/1,5/1	
	6/2	
	7	
	4 (G DRAIN)	0.0188

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
12. JAMNYA	50 (G.DRAIN)	0.0151
	51/1	0.2628
	51/2	
	52, 53/1	0.4308
	53/2	
	44/1 (GCT)	0.0149
	43	0.1624
	42	0.2635
	63	0.1850
	64	0.1750
	65(GL)	0.0111
	38	0.2662
	37/1	
	37/2	
	37/3	0.5741
	37/4	
	37/5	
	37/6	
	4/1,3/1,5	
	4/2,3/2	0.3143
	3/3	0.0122
	2/2	0.0055
	105	0.0045
	2/1 (GL)	1.0288
	2/3,102/2	0.0810
13. BHARDALA	51 to 61	0.3693
	106 (G.DRAIN)	0.0379
	105	0.0020
	102(SANJAY LAKE)	0.1424
	101	0.0253

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BHARDALA (Cont'd)	103/1	
	103/2	{ 0.1153
	104/1/1	
	104/1/2	{ 0.1003
	104/2	
	99	0.1184
	97(GCT)	0.0377
	96	0.1368
	95	0.3041
	94/5	0.2998
	94/6	
	94/7	
	94/12	
	94/13	{ 0.6480
	94/3	
	94/2	
	94/1	
	246/1	0.4435
	156/380	0.0576
	156/1/1	
	156/1/2	{
	156/2	
	156/13/2	
	156/14/1/1	{ 1.9411
	156/14/1/2	
	156/14/2/1	
	156/14/2/2	
	155 (I.A.P.)	0.0869
	154/1	{
	154/2	0.0576
	150	0.2628
	149	0.0216
	32 (G.DRAIN)	0.0144
	145	0.4824
	143	0.1800
	44	0.0324
	142	0.1296

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BHARDALA (Cont'd)	48/1	
	48/2 }	0.2808
	50/1 }	
	50/2 }	0.2016
	50/3 }	
	132 (RIVER)	0.0324
14. GOPALPURA	2	0.2664
	48/1 }	
	48/2 }	0.2196
	49/1 }	
	49/2 }	0.3384
	50 (GCT)	0.0140
	51/6	0.0405
	51/5	0.1980
	51/4	0.2016
	51/3	0.2088
	51/2	0.0317
	91(GCT)	0.0095
	92/1 }	
	92/2 }	0.3657
15. BHATKHEDI	322/5 K }	
	322/5 KH }	
	322/6 }	
	322/7 }	0.8093
	322/8 }	
	321	0.1944
	319(Road)	0.0216
	318(Road)	0.0180
	317(Road)	0.0288
	336/1 }	
	336/2 }	0.4608
	314/1 TO 314/16	0.8424
	313 (G.DRAIN)	0.0144
	312/1 }	
	312/2 }	
	312/3 }	0.2124

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BHATKHEDI (Cont'd)		
	311/2	0.0792
	305	0.1420
	306	0.0446
	307	0.1180
	78 (GCT)	0.0144
	308	0.0180
	79	0.1193
	79/808/1/7	0.1124
	80	0.0180
	81	0.0482
	85	0.1080
	86/1	} 0.1080
	86/2	
	87	0.2304
	88/1	} 0.3276
	88/2	
	88/307	0.1538
	88/306	0.1368
	97/1	} 0.1296
	97/2	
	96	0.1368
	112	0.1764
	111/1	} 0.1804
	111/2	
	108/1	0.1440
	110(GL)	0.0859
	116(GCT)	0.0148
	149	0.0072
	150,152/2,153/1	0.0720
	151/1	} 0.1347
	151/2	
	165	0.0037
	164,166	0.1332
	163	0.0308

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BHATKHEDI (Cont'd)	167	0.0050
	168	0.0972
	173	0.0648
	171	0.0648
	177, 178	0.0684
	176	0.0648
	175	0.0576
	180	0.2584
	181	0.0864
	184	0.0936
	208	0.0216
	205	0.0588
	204	0.1260
	201	0.1512
	197	0.0792
	196	0.1116
	193(GL)	0.0576
	195	0.0180

[F No R-31015/44/2001 OR-II]
HARISH KUMAR, Under Secy

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 मई, 2002

का. आ. 1579.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी.ओ.टी.) से पंजाब राज्य में भटिंडा तक मुन्द्रा-भटिंडा पाइपलाइन से होकर अपरिष्कृत तेल के परिवहन के लिए गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अत अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन के भीतर, उसमें उपयोग के या भूमि के नीचे

पाइपलाइन बिछाने के अधिकार के अजंते के संबंध में श्री डॉ. के. पारेख, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी), पो. बॉ. नं० 43, यूनिट 2, हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड, मु. पो. खारी, रोहर, तालुका गांधीधाम, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

तहसील :- भचाऊ

जिला :- कच्छ

राज्य :- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आग	मेन्टी आग
1	2	3	4		
वोंधडा	310/1		0	21	55
	310/2		0	17	89
	310/3		0	29	30
	305		0	50	59
	306		0	08	38
	304/2		0	17	53
	304/3		0	21	16
	304/1	पैकी	0	42	87
विजपासर	20		0	06	88
	19		0	32	34
	18	पैकी	0	38	46
	9/1		0	34	75
	9/2		0	29	72
	10		0	00	22
	-	कार्ट ट्रैक	0	09	29
	6		0	01	17
	5		0	36	97
	4/2		0	14	47
	-	कार्ट ट्रैक	0	08	63
	88		0	43	70
	-	कार्ट ट्रैक	0	06	84
	78		0	00	24
	77		0	48	50
	76		0	62	77
	92/3		0	31	37
	92/4		0	01	98
	93/3		0	30	81
	95		0	42	55
	-	नाला	0	02	10
	246		0	00	60

तहसील :- भचाऊ

जिला :- कच्छ

गण्य :- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
विजपासर (जारी....)	245/1		0	41	17
	245/2		0	06	17
	245/3	,	0	00	46
	-	कार्ट ड्रेक	0	09	51
	250		0	00	66
	252/1		0	23	23
	253		0	24	97
	257	पैकी	0	25	58
	258	पैकी	0	19	89
	265	पैकी	0	23	12
	266/2		0	16	29
	266/1		0	16	80
	270/1-B		0	18	34
	272/1		0	12	24
	272/2		0	12	23
	275		0	19	22
	277/2		0	22	86
	278		0	33	21
लखपत	283/2		0	28	80
	284		0	25	03
	289		0	17	69
	198/1		0	16	69
	198/2-A		{	28	02
	198/2-B				
	198/2-C				
	199		0	25	30
	207/1	पैकी	0	23	49
	200		0	15	98
	197		0	28	82
	196		0	27	63
	195/2		0	19	90
	195/1		0	02	89
	194/1		0	25	42
	194/2		0	25	91

तहमाल :- भचाऊ

जिला :- कच्छ

गज्य :- गुजरात

गाँव का नाम	सर्वे संख्या	माग यदी है तो	क्षेत्रफल		
			हेक्टर	आग	मन्दी आग
1	2	3	4		
लखपत (जारी...)	176	पैकी	0	71	92
	177/1		0	02	85
	-	कार्ट ट्रैक	0	05	06
	150/2		0	29	28
	150/1		0	02	65
	150/3		0	24	34
	149		0	28	41
	147		0	01	19
	148	पैकी	0	44	25
	-	कार्ट ट्रैक	0	05	07
	62		0	69	09
	67		0	19	59
	66		0	00	78
	59/2		0	27	34
	59/1		0	18	69
	58		0	12	03
	56		0	32	92
	55		0	62	67
द्रावस 1242	54/1		0	21	26
	54/2		0	18	65
	43	पैकी	0	38	74
	42		0	07	03
	41		0	26	43
	द्रावस 1242	पैकी	0	00	02
	-	अधोई नदी	0	01	00
अधोई	869		0	21	91
			0	29	34

२० वर्ष : - २० ग्राम

जिला :- कच्छ

ग्रज्य :- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	मेन्डी आर
1	2	3	4		
अधोई (जारी....)	द्वार्वम 1242	पैकी	0	00	99
	870/4		0	27	39
	द्वार्वस 1242	पैकी	0	31	43
	783/1		0	36	19
	786		0	38	35
	787	पैकी	0	16	34
	788		0	38	42
	790	पैकी	0	19	20
	-	कार्ट ट्रेक	0	15	60
	657/1		0	19	02
	657/2		0	18	83
	655		0	38	45
	653		0	00	03
	654		0	39	97
	628/2		0	02	28
	650		0	26	81
	649		0	05	30
	631	पैकी	0	28	55
	631	पैकी कार्ट ट्रेक	0	00	48
	634		0	36	03
	633		0	05	43
	614		0	10	12
	615		0	36	49
	600		0	11	06
	601/1		0	20	66
	601/2		0	17	33
	602		0	45	65
	387/1		0	06	31
	390		0	00	02
	391/1		0	49	09

तहसील :- भचाऊ

जिला :- कच्छ

गज्य :- गुजरात

1 गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आग	मेन्टी आग
			3	4	
अधोई (जारी...)	394	पैकी	0	18	79
	393		0	24	82
	397/1		0	23	26
	400/2		0	00	55
	400/5		0	30	84
	403/1		0	45	40
	402		0	40	68
	434/1		0	38	98
	434/2		0	23	86
	430/1		0	23	21
	428		0	61	74
	424/1		0	26	97
	424/2		0	22	54
	416/1		0	17	00
	417		0	25	78
	322		0	36	88
	319/2		0	00	01
	320/2		0	02	65
	321/3		0	19	42
	321/4		0	17	38
	321/2		0	10	12
	-	कार्ट ट्रैक	0	04	84
	301		0	39	82
	300		0	24	99
	299		0	06	33
	302		0	29	00
	297		0	42	73
	296/1		0	30	21
	295/1	पैकी कार्ट ट्रैक	0	00	93
	295/1	पैकी	0	00	90

तहसील :- भचाऊ

जिला :- कच्छ

राज्य :- गुजरात

गाँव का नाम 1	सर्वे संख्या 2	भाग यदी है तो 3	क्षेत्रफल		
			हेक्टर 4	आर आर	मेन्टी आर
अधोई (जारी...)	285/2		0	36	03
	285/1		0	03	91
	द्वार्वस 1242	पैकी	0	12	00
	286		0	21	80
गमडाऊ	34/1		0	16	20
	34/3		0	05	13
शिवलखा	983		0	01	40
	984	पैकी	0	39	61
	986/2		0	08	91
	985		0	28	43
	987		0	36	89
	988		0	26	86
	1014		0	18	64
	1012		0	00	97
	1013	पैकी	0	51	11
	1013	पैकी कार्ट ट्रेक	0	00	84
	-	नाला	0	07	46
	1026		0	22	06
	1027		0	15	77
	1028		0	24	45
	1034		0	21	20
	1033		0	27	69
	1032		0	14	22
	1057		0	35	71
	द्वार्वस 1317/4	पैकी	0	10	43
	1071/1		0	27	97
	1070		0	19	01
	1066		0	30	34
	1065/1		0	15	03
	1065/2	पैकी	0	15	05

तहसील :- भचाऊ

जिला :- कच्छ

गज्य :- गुजरात

गाँव का नाम 1	सर्वे संख्या 2	माग यदी है तो 3	क्षेत्रफल		
			हेक्टर	आर	मेन्टी आर
			4		
शिवलखा (जारी....)	1067/1		0	14	97
	-	नाला	0	10	08
	1115/2		0	04	33
	1114		0	23	01
	1106		0	30	38
	1105/3		0	20	47
	1117		0	23	02
	1116		0	34	39
	1118/1		0	23	46
	1104		0	19	67
	1103		0	41	76
	1123		0	03	14
	-	नाला	0	10	25
	1124/1		0	25	19
	1124/2		0	14	23
	1129/1		0	40	81
	1128	पैकी	0	12	04
	1159		0	07	72
	-	नाला	0	03	07
	1161/1		0	30	17
	1167		0	34	82
	1166		0	21	27
	1165/2		0	09	11
	1171		0	27	54
	-	नाला	0	13	57
	1172		0	19	98
	1173		0	23	52
	1176/1		0	19	31
	1179/2		0	18	01
	1179/1		0	10	82

तहसील :- भचाऊ

जिला :- कच्छ

गज्य :- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	मेन्टी आग
1	2	3	4		
शिवलखा (जारी...)	-	कार्ट ट्रैक	0	01	19
	1229		0	17	33
	1228	पैकी	0	11	29
	1230		0	11	67
	1235/1		0	11	32
	1235/2		0	05	30
	1235/3		0	03	23
	1234/2		0	08	97
	1236		0	10	03
	1237		0	08	62
	1239/2		0	14	83
	1239/3		0	16	62
	1240/1		0	04	29
	1241/2		0	13	02
	1242/2		0	16	74
	1243	पैकी	0	08	20
	1207/1		0	08	18
	1206/3		0	18	53
	-	कार्ट ट्रैक	0	01	51
	1249/1		0	17	28
	1249/2		0	10	14
	1246/2		0	25	93
	1247		0	29	11
	1248	पैकी	0	34	07
	-	खागे नदी	0	14	50
	-	नाला	0	10	70
	79/2		0	19	56
	78		0	14	35
	77/1		0	37	37
	77/2		0	02	00
	76/1		0	14	50
	76/2		0	00	97
	74		0	32	58

तहसील :- भद्राऊ

जिला :- कच्छ

गज्य :- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आग	सेन्टी आग
1	2	3	4		
शिवलखा	72		0	09	81
(जारी....)	49/2		0	07	17
	49/3		0	11	37
	50/1		0	25	38
	51		0	00	11
	43/1		0	24	97
	43/3		0	27	79
	- कार्ट ट्रेक		0	01	33
	55/2		0	10	57
	42/1		0	13	99
	56/1		0	00	21
	57/1		0	20	50
	57/2		0	06	01
	41/2		0	12	06
	41/1		0	11	00
	35/3		0	12	58
	34 पैकी		0	23	64
	24/1		0	15	26
	24/2		0	11	09
	25/1		0	10	10
	25/2		0	28	06
	- नाला	{	0	04	80
	- कार्ट ट्रेक				
	21/2		0	13	64
	21/1		0	19	02
	- नाला		0	03	77
	द्रावर्स	पैकी	0	40	10
	1317/4				
	- नाला		0	00	35
	द्रावर्स	पैकी	0	15	10
	1317/4				
	- नाला		0	01	17

तहसील :- भचाऊ

जिला :- कच्छ

गण्य :- गुजरात

गाँव का नाम	मर्वे सँख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	मेन्टी आर
1	2	3	4		
शिवलखा (जारी...)	द्वार्वम 1317/4	पैकी	0	47	40
	-	नाला	0	01	10
	द्वार्वम 1317/4	पैकी	0	37	31
	-	नाला	0	00	41
	द्वार्वम 1317/4	पैकी	0	38	79
	-	कार्ट ट्रैक	0	00	87
	द्वार्वम 1317/4	पैकी	0	02	92
	-	कार्ट ट्रैक	0	00	89
	द्वार्वम 1317/4	पैकी	0	11	40
	-	कार्ट ट्रैक	0	01	22
	द्वार्वम 1317/4	पैकी	0	18	41
	-	कार्ट ट्रैक	0	00	87
	द्वार्वम 1317/4	पैकी	0	80	56
	-	कार्ट ट्रैक	0	01	44
	149/2		0	22	70
	द्वार्वम 1317/4	पैकी	0	28	28
	177/1		0	06	90
	-	नाला	0	07	10
	150		0	15	92
	156/1		0	24	45
	157		0	25	67
	158		0	09	47
	161		0	17	83
	159		0	00	25
	160		0	32	79

तहसील :- भचाऊ

जिला :- कच्छ

राज्य :- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
शिवलखा (जारी...)	-	नाला	0	10	07
	169/1		0	00	14
	168/2		0	25	45
	168/1		0	29	07
	167		0	03	47
	द्वार्वस	ऐकी	0	17	51
	1317/4				

[फा स आर -31015/3/2002 ओ.आर -II]

हरीश कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 6th May, 2002

S. O. 1579.— Whereas it appears to the Central Government that it is necessary in the public interest, that for the transportation of crude oil from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda pipeline, a pipeline should be laid by Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Corporation Ltd.);

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user (ROU) in the land described under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying pipeline under the land to Shri D.K. PAREKH, Competent Authority, Mundra-Bathinda Crude Oil Pipeline, Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Ltd.), P.B.No.43, Unit 2, HPCL., At & P.O. Khari Rohar, Tal. Gandhidham, State Gujarat.

SCHEDULE**Taluka: Bhachau****District: Kutch****State: Gujarat**

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Vondhada	310/1		0	21	55
	310/2		0	17	89
	310/3		0	29	30
	305		0	50	59
	306		0	08	38
	304/2		0	17	53
	304/3		0	21	16
	304/1	P	0	42	87
Vijapasar	20		0	06	88
	19		0	32	34
	18	P	0	38	46
	9/1		0	34	75
	9/2		0	29	72
	10		0	00	22
	-	Cart Track	0	09	29
	6		0	01	17
	5		0	36	97
	4/2		0	14	47
	-	Cart Track	0	08	63
	88		0	43	70
	-	Cart Track	0	06	84
	78		0	00	24
	77		0	48	50
	76		0	62	77
	92/3		0	31	37
	92/4		0	01	98
	93/3		0	30	81
	95		0	42	55
	-	Nala	0	02	10
	246		0	00	60

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Vijapasar (Contd...)	245/1		0	41	17
	245/2		0	06	17
	245/3		0	00	46
	-	Cart Track	0	09	51
	250		0	00	66
	252/1		0	23	23
	253		0	24	97
	257	P	0	25	58
	258	P	0	19	89
	265	P	0	23	12
	266/2		0	16	29
	266/1		0	16	80
	270/1-B		0	18	34
	272/1		0	12	24
	272/2		0	12	23
	275		0	19	22
	277/2		0	22	86
	278		0	33	21
Lakhpat	283/2		0	28	80
	284		0	25	03
	289		0	17	69
	198/1		0	16	69
	198/2-A		}	28	02
	198/2-B				
	198/2-C				
	199		0	25	30
	207/1	P	0	23	49
	200		0	15	98
	197		0	28	82
	196		0	27	63
	195/2		0	19	90
	195/1		0	02	89
	194/1		0	25	42
	194/2		0	25	91

Taluka: Bhachau**District: Kutch****State: Gujarat**

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Lakhpat (Contd...)	176	P	0	71	92
	177/1		0	02	85
	-	Cart Track	0	05	06
	150/2		0	29	28
	150/1		0	02	65
	150/3		0	24	34
	149		0	28	41
	147		0	01	19
	148	P	0	44	25
	-	Cart Track	0	05	07
	62		0	69	09
	67		0	19	59
	66		0	00	78
	59/2		0	27	34
	59/1		0	18	69
	58		0	12	03
	56		0	32	92
	55		0	62	67
	54/1		0	21	26
	54/2		0	18	65
	Trowers 1242	P	0	38	74
	43		0	07	03
	42		0	26	43
	41		0	00	02
	Trowers 1242	P	0	01	00
Adhoi	-	Adhoi River	0	21	91
	869		0	29	34

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Adhoi (Contd...)	Trowers 1242	P	0	00	99
	870/4		0	27	39
	Trowers 1242	P	0	31	43
	783/1		0	36	19
	786		0	38	35
	787	P	0	16	34
	788		0	38	42
	790	P	0	19	20
	-	Cart Track	0	15	60
	657/1		0	19	02
	657/2		0	18	83
	655		0	38	45
	653		0	00	03
	654		0	39	97
	628/2		0	02	28
	650		0	26	81
	649		0	05	30
	631	P	0	28	55
	631	P Cart Track	0	00	48
	634		0	36	03
	633		0	05	43
	614		0	10	12
	615		0	36	49
	600		0	11	06
	601/1		0	20	66
	601/2		0	17	33
	602		0	45	65
	387/1		0	06	31
	390		0	00	02
	391/1		0	49	09

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Adhoi (Contd...)	394	P	0	18	79
	393		0	24	82
	397/1		0	23	26
	400/2		0	00	55
	400/5		0	30	84
	403/1		0	45	40
	402		0	40	68
	434/1		0	38	98
	434/2		0	23	86
	430/1		0	23	21
	428		0	61	74
	424/1		0	26	97
	424/2		0	22	54
	416/1		0	17	00
	417		0	25	78
	322		0	36	88
	319/2		0	00	01
	320/2		0	02	65
	321/3		0	19	42
	321/4		0	17	38
	321/2		0	10	12
	-	Cart Track	0	04	84
	301		0	39	82
	300		0	24	99
	299		0	06	33
	302		0	29	00
	297		0	42	73
	296/1		0	30	21
	295/1	P Cart Track	0	00	93
	295/1	P	0	00	90

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Adhoi (Contd...)	285/2		0	36	03
	285/1		0	03	91
	Trowers 1242	P	0	12	00
	286		0	21	80
Gamdau	34/1		0	16	20
	34/3		0	05	13
Shivlakha	983		0	01	40
	984	P	0	39	61
	986/2		0	08	91
	985		0	28	43
	987		0	36	89
	988		0	26	86
	1014		0	18	64
	1012		0	00	97
	1013	P	0	51	11
	1013	P Cart Track	0	00	84
	-	Nala	0	07	46
	1026		0	22	06
	1027		0	15	77
	1028		0	24	45
	1034		0	21	20
	1033		0	27	69
	1032		0	14	22
	1057		0	35	71
	Trowers 1317/4	P	0	10	43
	1071/1		0	27	97
	1070		0	19	01
	1066		0	30	34
	1065/1		0	15	03
	1065/2	P	0	15	05

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Shivlakha (Contd...)	1067/1		0	14	97
	-	Nala	0	10	08
	1115/2		0	04	33
	1114		0	23	01
	1106		0	30	38
	1105/3		0	20	47
	1117		0	23	02
	1116		0	34	39
	1118/1		0	23	46
	1104		0	19	67
	1103		0	41	76
	1123		, 0	03	14
	-	Nala	0	10	25
	1124/1		0	25	19
	1124/2		0	14	23
	1129/1		0	40	81
	1128	P	0	12	04
	1159		0	07	72
	-	Nala	0	03	07
	1161/1		0	30	17
	1167		0	34	82
	1166		0	21	27
	1165/2		0	09	11
	1171		0	27	54
	-	Nala	0	13	57
	1172		0	19	98
	1173		0	23	52
	1176/1		0	19	31
	1179/2		0	18	01
	1179/1		0	10	82

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Shivlakha (Contd...)	-	Cart Track	0	01	19
	1229		0	17	33
	1228	P	0	11	29
	1230		0	11	67
	1235/1		0	11	32
	1235/2		0	05	30
	1235/3		0	03	23
	1234/2		0	08	97
	1236		0	10	03
	1237		0	08	62
	1239/2		0	14	83
	1239/3		0	16	62
	1240/1		0	04	29
	1241/2		0	13	02
	1242/2		0	16	74
	1243	P	0	08	20
	1207/1		0	08	18
	1206/3		0	18	53
	-	Cart Track	0	01	51
	1249/1		0	17	28
	1249/2		0	10	14
	1246/2		0	25	93
	1247		0	29	11
	1248	P	0	34	07
	-	Khari River	0	14	50
	-	Stream	0	10	70
	79/2		0	19	56
	78		0	14	35
	77/1		0	37	37
	77/2		0	02	00
	76/1		0	14	50
	76/2		0	00	97
	74		0	32	58

Taluk: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Shivlakha (Contd...)	72		0	09	81
	49/2		0	07	17
	49/3		0	11	37
	50/1		0	25	38
	51		0	00	11
	43/1		0	24	97
	43/3		0	27	79
	-	Cart Track	0	01	33
	55/2		0	10	57
	42/1		0	13	99
	56/1		0	00	21
	57/1		0	20	50
	57/2		0	06	01
	41/2		0	12	06
	41/1		0	11	00
	35/3		0	12	58
	34	P	0	23	64
	24/1		0	15	26
	24/2		0	11	09
	25/1		0	10	10
	25/2		0	28	06
	-	Nala	[0	04
	-	Cart Track			80
	21/2		0	13	64
	21/1		0	19	02
	-	Nala	0	03	77
Trowers 1317/4	P		0	40	10
-	Stream		0	00	35
Trowers 1317/4	P		0	15	10
-	Nala		0	01	17

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Shivlakha (Contd...)	Trowers 1317/4	P	0	47	40
	-	Nala	0	01	10
	Trowers 1317/4	P	0	37	31
	-	Stream	0	00	41
	Trowers 1317/4	P	0	38	79
	-	Cart Track	0	00	87
	Trowers 1317/4	P	0	02	92
	-	Cart Track	0	00	89
	Trowers 1317/4	P	0	11	40
	-	Cart Track	0	01	22
	Trowers 1317/4	P	0	18	41
	-	Cart Track	0	00	87
	Trowers 1317/4	P	0	80	56
	-	Cart Track	0	01	44
	149/2		0	22	70
	Trowers 1317/4	P	0	28	28
	177/1		0	06	90
	-	Nala	0	07	10
	150		0	15	92
	156/1		0	24	45
	157		0	25	67
	158		0	09	47
	161		0	17	83
	159		0	00	25
	160		0	32	79

Taluka: Bhachau

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Are.	Sq.mt
1	2	3	4		
Shivlakha (Contd...)	-	Nala	0	10	07
	169/1		0	00	14
	168/2		0	25	45
	168/1		0	29	07
	167		0	03	47
	Trowers 1317/4	P	0	17	51

[F No. R-31015/3/2002 OR-II]
HARISH KUMAR. Under Secy.

नई दिल्ली, 6 मई, 2002

का. आ. 1580.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत तरल प्राकृतिक गैस के परिवहन के लिए मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खानिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि पर हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत द्वारा राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाई जाने के संबंध में श्री के. बी. पेटक, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, जी. टी. आई. सी. प्ल. पाइपलाइन परियोजना, 102-103 शिवम्, 9 पटेल कोलोनी, पंडित नेहरू मार्ग, जामनगर, 361008 गुजरात को लिखित रूप में आक्षेप भेज सकेगा।

अरनुसूचि

तालुका:- लिंबडी

ज़िला:- सुरेन्द्रनगर

राज्य:- गुजरात

जंच का नाम

सर्वेक्षण संस्था / स्वं संस्था

क्षेत्रफल

1	2	हेक्टर			एअर			सेन्टीएअर		
		3	4	5	1	10	80	0	49	10
1 : जाम्बु	1877				1					
2 : परनाला	405				0	49	10			

उपरोक्त सर्वे नंबर पूर्व में अधिसूचित नहीं है - अधिसूचना क्र. का. अ. 299 दिनांक 31.01.2002

[फा. सं. एल. 14014/06/2002-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 6th May, 2002

S.O. 1580.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of re-gasified liquified natural gas (LNG) from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to laying of the pipeline under the land to Shri K.B. Pathak, Competent Authority, GTICL Pipeline Project, 102-103, Shivam, 9 Patel Colony, Pandit Nehru Marg, Jamnagar-361008 Gujarat..

SCHEDULE

Taluka :- Limbdi

District :- Surendranagar

State :- Gujarat

Name of Village

Survey No. / Block No.

Area

Hectare Are Centare

1	2	3	4	5
1 : Jambu	1877	1	10	80
2 : Parnala	405	0	49	10

The above survey numbers have not been notified earlier - S.O. 299 – dated 31.01.2002

[No. L. 14014/06/2002-G.P]
S. B. MANDAL, Under Secy.

नई दिल्ली, 6 मई, 2002

का. आ. 1581.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत तरल प्राकृतिक गैस के परिवहन के लिए मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है :

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाई जाने के संबंध में श्री के. बी. पाठक, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, पाइपलाइन परियोना, 102-103 शिवम्, 9 पटेल कोलोनी, पंडित नेहरू मार्ग, जामनगर,—361008 गुजरात को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि

तालुकः- चोटीला

जीला :- सुरेन्द्रनगर

राज्य :- गुजरात

गांव का नाम

सर्वेक्षण संख्या / स्वंड संख्या

क्षेत्रफल

हेक्टर एअर सेन्टीएअर

1	2	3	4	5
1 : देवपुरा (चोटीला)	121	0	57	40
2 : अमेपर	35/2	0	26	10
	66/2	0	29	60

'उपरोक्त सर्वे नंबर पूर्व में अधिसूचित नहीं है -अधिसूचना क्र. का. अ. 300 दिनांक 31.01.2002

[फा सं एल. 14014/07/2002-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 6th May, 2002

S. O. 1581.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of re-gasified liquified natural gas (LNG) from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to laying of the pipeline under the land to Shri K.B.Pathak, Competent Authority, GTICL Pipeline Project, 102-103, Shivam, 9 Patel Colony, Pandit Nehru Marg, Jamnagar-361008 Gujarat..

SCHEDULE

Taluka :- Chotila**District :- Surendranagar****State :- Gujarat**

Name of Village	Survey No. / Block No.	Area		
		Hectare	Are	Centare
1	2	3	4	5
1 Devpara (Chotila)	121	0	57	40
2 Abhepar	35/2	0	26	10
	66/2	0	29	60

The above survey numbers have not been notified earlier – S.O. 300 – dated 31.01.2002

[No L 14014/07/2002-G P]
S B MANDAL Under Secy

नई दिल्ली, 6 मई, 2002

का. आ. 1582.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का. आ. 3493 तारीख 28 दिसम्बर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में पानेवाडी (मनमाड) से मध्यप्रदेश राज्य में मांगल्या (इन्दौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई—मनमाड पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा कर दी थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20 जनवरी 2002 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, यह विनिश्चय किया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के लिए अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगमों से मुक्त भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : धरमपुरी

जिला : धार

राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
1. गुजरी	84		0.0778
	77		0.1160
	79		0.1203
	78		0.0387
	81		0.0071
	75		0.2918
	74		0.0071
	68 (स. यस्ता)		0.0249
	67/1		0.3843
	155/50 (स. यस्ता)		0.0085
	49/1		0.1965
	49/2		
	49/3		
	48		0.0071
	13		0.0487
	19 (स. यस्ता)		0.0355
	12		0.2236
	11		0.1040
	10/1		0.0256
	10/2		
	9/4		0.0071
	9/3		0.1282
	9/2		0.0221
	8		0.4761
2. डेहरीया	22 (करम नदी)		0.1529
	23/1/1		0.2038
	23/1/2		
	23/2		
	23/3		
	28		0.0125
	29/5		0.1220
	29/1		0.1568
	29/3		0.0109

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
डेहरीया (निरंतर...)	30/1 30/2 30/3	0.1275	
	29/1/1 29/1/2 29/1/3	0.1897	
	17 20/2 20/1	0.1354 0.0551	
	19 (स यस्ता)	0.0143	
	18	0.0429	
	15	0.2766	
3. सिरसोदिया	351/1 351/2 351/3 351/4	0.1320	
	350	0.1021	
	349(स चरागाह)	0.0214	
	347/1 347/2 347/3 347/4 347/5 347/6	0.4092	
	379 (स चरागाह)	0.2650	
	344,343	0.1983	
	393(स चरागाह)	0.2403	
	394	0.2431	
	337	0.3190	
	338	0.0820	
	332/1 332/2 332/3	0.1308	
	331(स चरागाह)	0.0998	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
सिरसोटिया (निरंतर...)	315/1 से 315/14	0.2279	
	314	0.0178	
	313/1	0.1997	
	313/2		
	313/3		
	313/4		
	313/5		
	313/6		
	313/7		
	300	0.1568	
	294/1	0.3350	
	294/2		
	294/3/1		
	294/3/2		
	294/3/3		
	294/3/4		
	294/3/5		
	288,285,286,287	0.1215	
	284	0.4178	
	283/479	0.0191	
	280(स. नाला)	0.0354	
	221	0.1747	
	225	0.0356	
	227/1	0.2160	
	227/2		
	228/1	0.1018	
	228/2		
	229	0.0456	
	233,232	0.0155	
	230	0.0006	
	179/1/1	0.1220	
	179/1/2		
	179/2		
	179/3		
	183	0.2621	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
सिरसोटिया (निरंतर...)	182/1 से 182/9 184(स.रास्ता) 167 185,186,187 131/2 82/2 याष्टीय राजमार्ग,3 82/1 74/1/1 75/1 75/2,74/1/2,76/1 75/3,74/1/3,76/2	0.1872 0.0538 0.0467 0.1215 0.2583 0.0541 0.4472 0.0772 0.2355 58 146 (क्षम नदी)	
4. चिकट्यावद	519 520/1 502/1 502/2 502/3	0.1931 0.1404 0.1521 501 500 497 492 496 495 494(स.चरागाह) 433(स.नाला) 432(स.चरागाह)	0.0184 0.1675 0.1170 0.1580 0.0819 0.0175 0.0585 0.0819 0.1580 0.0029 0.0556
5. लोधीपुरा	77 81/1 81/2 81/3 80 (स.नाला) 33(स.चरागाह) 32 31	0.3473 0.1584 0.0743 0.0212 0.0036 0.3920 0.0642	

ग्राम का नाम	सर्वे जम्बर	क्षेत्रफल	हैक्टेयर
लोधीपुरा (निरंतर...)	30 (स चरागाह)		0.1853
	29/3		0.1150
	29/2		0.1375
	28		0.0247
	27		0.0594
	8/1		0.2428
	8/2		
	8/3		
	8/4		
	8/5		
	10		0.1158
	11		0.1809
	1 (गष्ट्रीय घजमार्ग, 3)		0.0713
	194/2		0.2171
	194/1		0.0499
	195/1/1		0.2922
	195/1/2		
	195/2		
	195/3		
	195/4		
	196/1		
	196/2		0.1845
	192		0.0724
	166 (स नाला)		0.0308
	126		0.3635
	125		0.0549
	124		0.1003
	123		0.0097
	122		0.0688
	120		0.0036
	117		0.0242
	67		0.0485
	68		0.1118
	70		0.1624
	72,71		0.0796

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
लोधीपुरा (निरंतर...)	73	0.1069	
	74	0.1592	
	76 (स.चरागाह)	0.0507	
	78/1	0.0172	
6. दुधी	69	0.2496	
	73	0.1855	
	72	0.1573	
	71(स.चरागाह)	0.0899	
	35	0.0990	
	34	0.1046	
	33	0.2615	
	18	0.2240	
	19	0.2061	
	20/2	0.0345	
	29/1	0.5438	
	29/2/1/2	}	
	29/1/1		
	26/3	0.0001	
	27	0.0512	
	28 यात्रीय रजमार्ग, 3	0.0565	
	152 (स.चरागाह)	0.0239	
	151/1	}	
	151/2		
	147	0.4365	
	147	0.3758	
	145/2 (स.चरागाह)	0.1293	
	157	0.1872	
	145/1(स.चरागाह)	0.0223	
	159/1	0.0035	
	144/2 ख	0.4440	
	144/1	0.0051	
	144/2	0.0740	
	144/3	0.0363	
	126/3	0.1753	
	135	0.2192	
	128	0.0159	
	134	0.0002	
	129	0.0106	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
दुधी (निरंतर....)	132	0.0715	
	131	0.0891	
	121(स.चरागाह)	0.0221	
	133(स.नाला)	0.0674	
	65	0.0906	
	64	0.0461	
	61	0.1123	
7. एकलाराखुर्द	26	0.4922	
	25	0.2649	
	24/1	0.0036	
	24/2		
	24/3		
	24/4		
	24/5		
	23	0.0764	
	22	0.1064	
	21	0.1969	
	20	0.1121	
	19	0.3772	
	18	0.0036	
	17	0.3788	
	42/1अ (स.नहर)	0.0288	
	42/1 ब	0.1725	
	42/2		
	14/1	0.0162	
	14/2		
	14/3		
8. गुलझरी	118/1,118/2 (स.नहर तथा रास्ता)	0.0238	
	99	0.3606	
	102/1	0.3560	
	102/2		
	101	0.0351	
	105/1	0.0352	
	105/2		
	105/3		
	106	0.1740	
	100/1,47/1	0.0806	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
गुलझरी (निरंतर...)	85/1 85/2 85/3/1 85/3/2		0.3058
	84		0.1872
	86		0.1440
	87		0.1152
	88		0.0288
	66		0.4833
	65/1/1		0.1683
	65/1/2		
	65/1/3		
	65/2		
	65/3		
	65/4/1		
	65/4/2		
	65/5		
	119/96		0.1144
	57		0.3102
54(स.रास्ता)			0.1362
	53		0.1980
	52/4		0.1580
	8/1		0.2360
	8/2		
	9		0.2894
	59/1/1		0.0936
	59/1/2		
	59/2		
9.	विखरण		0.2816
	477/1/1		
	477/1/2		
	477/1/3		
	477/1/4		
	477/2/1		
	477/2/2		
	477/2/3		
	475/1		.0.1350
	475/2		

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
बिखरण (निरंतर...)	471,473/1 473/2 472 467,469 465,466 462/1 462/2 462/3 462/4 462/5 489/1 489/2 454/1 454/2	0.2255	
490/1, 490/2 (स.रास्ता तथा नहर)	453/1 453/2 451/1 451/2	0.2016	
455(स.नाला)	450 449 414 415/1 415/2 420 419 356/1 424 (स.नाला)	0.0458	0.0216
	355/1 355/2 355/3 355/4 354 344/1 344/2 346	0.0145	0.1607
		0.1944	0.0338
			0.0345
			0.3888
			0.1320
			0.3312
			0.0176
			0.0295
			0.1584
			0.0432
			0.1008

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैवटेगर
बिघरुण (निरंतर...)	347/1 347/2 347/3/1 347/3/2	}	0.1075
350/1, 350/2 (स.रास्ता तथा नहर)		0.0468	
315/1 315/2 315/3	}	0.1404	
327		0.0145	
326		0.1149	
316/1 316/2	}	0.0072	
325/1 325/2	}	0.1194	
324, 323		0.0944	
320, 321		0.0651	
322		0.0451	
250/1, 250/2 (स.रास्ता तथा नहर)		0.0259	
258		0.1978	
257/1 257/2	}	0.1364	
256		0.1646	
255		0.0755	
212		0.0432	
236		0.0838	
235		0.0868	
217		0.2252	
224/1, 224/2 (स.रास्ता तथा नहर)		0.0238	
10. खलखुद	42 43 38 41(स.चरागाह) 39 19 18 17 2 3	0.0515 0.0165 0.5434 0.0600 0.3160 0.2186 0.4271 0.2490 0.0040 0.4626	

ग्राम का नाम	सर्वे नम्बर	दोत्रफल	हैक्टेयर
अलशुर्द (निरंतर...)	6(स चरागाह)	0.0447	
11. सुन्देल	728	0.0669	
12. साला	20/1/1 क 20/1/1 ख 20/1/2 20/2 20/3		0.1931
	21	0.1171	
	24	0.3852	
	25	0.0056	
	27/1/1, 27/1/2 क 27/1/2, ख 27/2/1, 27/2/2		0.5383
	27/3		
	27/4		
	27/5		
	28/3	0.1943	
	28/2	0.1119	
	28/1	0.1914	
	16	0.0429	
	12/1	0.2435	
	12/2		
	11	0.2347	
	10	0.1416	
	109/1		0.3429
	109/2		
	106/1		0.2189
	106/2		
	108	0.0210	
	120 (स यस्ता)	0.0101	
	105	0.1058	
	89	0.3676	
	86/1		0.0506
	86/2		
	86/3		
	85	0.1373	
	280/74/3	0.2938	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
साला (निरंतर...)	280/74/2 (स. नहु)	0.0065	
	280/74/1	0.0288	
	75/1/1	0.3847	
	75/1/2, 75/2		
	76/1/1	0.1922	
	76/1/2		
	76/2		
	76/3		
	76/4		
	55	0.1513	
	54	0.0810	
	139 (स. यस्ता)	0.0549	
13. लुन्हेरा	162(नदी)	0.0804	
	161/1/1(स. चरागाह)	0.3214	
	154/1	0.2192	
	154/2/1		
	154/2/2		
	153	0.0573	
	151	0.0306	
	152/1	0.0369	
	152/2		
	148(स. आबादी)	0.0076	
	150/1	0.0082	
	150/2		
	135/1	0.0039	
	135/2		
	140	0.0088	
	102	0.0036	
	137/1	0.0557	
	137/2		
	139	0.0308	
	138/1	0.0511	
	138/2		
	119 (स. यस्ता)	0.0438	
	118/1, 118/2	0.1082	
	103	0.0121	
	113/1	0.1899	
	104	0.0771	
	93 (स.डक)	0.0420	
	88/1, 92	0.1007	
	88/2		

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
लुङ्हेया (निरंतर...)	89	0.2542	
	132	0.0036	
	133	0.0036	
	134	0.0036	
	147	0.0036	
	87	0.2580	
	84	0.1737	
	86(स.चरागाह)	0.0067	
	85/2/2	0.1051	
14. दुगनी	256(स. भूमि)	0.4348	
	258	0.0977	
	257	0.0855	
	254/1	0.2673	
	254/2		
	254/3		
	254/4		
	251/1	0.1711	
	246 (स.नाला)	0.0143	
	248 (स.नाला)	0.0347	
	249(स. चरागाह)	0.0143	
	247	0.1568	
	243/1	0.1711	
	243/2		
	242 (स.नाला)	0.0198	
	241	0.3065	
	230/1(स. भूमि)	0.2281	
	234	0.1497	
	233(स.नाला)	0.0143	
	232	0.1160	
	228	0.0966	
	227	0.0263	
	226	0.2069	
	225 (स.भूमि)	0.0428	

New Delhi, the 6th May, 2002

S. O. 1582.— Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.3493, dated the 28th December, 2001 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products through the Mumbai-Manmad Pipeline Extension Project from Panewadi(Manmad) in the State of Maharashtra to Mangliya (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 20th January, 2002;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline and has decided to acquire the right of user in the land specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

2

TEHSIL: DHARAMPURI	DISTRICT : DHAR	STATE : MADHYA PRADESH	
NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
1. GUJARI	84	0.0778	
	77	0.1160	
	79	0.1203	
	78	0.0387	
	81	0.0071	
	75	0.2918	
	74	0.0071	
	68(GCT)	0.0249	
	67/1	0.3843	
	155/50(GCT)	0.0085	
	49/1	}	0.1965
	49/2		
	49/3		
	48	0.0071	
	13	0.0487	
	19(GCT)	0.0355	
	12	0.2236	
	11	0.1040	
	10/1	}	0.0256
	10/2		
	9/4	0.0071	
	9/3	0.1282	
	9/2	0.0221	
	8	0.4761	
2. DEHRIYA	22(KARAM RIVER)	0.1529	
	23/1/1	}	0.2038
	23/1/2		
	23/2		
	23/3		
	28	0.0125	
	29/5	0.1220	
	29/4	0.1568	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
DEHRIYA (Cont'd)	29/3	0.0109
	30/1	0.1275
	30/2	
	30/3	
	29/1/1	0.1897
	29/1/2	
	29/1/3	
	17	0.1354
	20/2	0.0551
	20/1	
	19(GCT)	0.0143
	18	0.0429
	15	0.2766
3. SIRSODIYA	351/1	0.1320
	351/2	
	351/3	
	351/4	
	350	0.1021
	349(GL)	0.0214
	347/1	0.4092
	347/2	
	347/3	
	347/4	
	347/5	
	347/6	
	379(GL)	0.2650
	344.343	0.1983
	393(GL)	0.2403
	394	0.2431
	337	0.3190
	338	0.0820
	332/1	0.1308
	332/2	
	332/3	
	331(GL)	0.0998

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SIRSODIYA (Cont'd)	315/1 TO 315/14	0.2279
	314	0.0178
	313/1	0.1997
	313/2	
	313/3	
	313/4	
	313/5	
	313/6	
	313/7	
	300	0.1568
	294/1	0.3350
	294/2	
	294/3/1	
	294/3/2	
	294/3/3	
	294/3/4	
	294/3/5	
	288,285,286,287	0.1215
	284	0.4178
	283/479	0.0191
	280 (G.DRAIN)	0.0354
	221	0.1747
	225	0.0356
	227/1	0.2160
	227/2	
	228/1	0.1018
	228/2	
	229	0.0456
	233,232	0.0155
	230	0.0006
	179/1/1	0.1220
	179/1/2	
	179/2	
	179/3	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SIRSODIYA (Cont'd)		
	183	0.2621
	182/1 TO 182/9	0.1872
	184(GCT)	0.0538
	167	0.0467
	185,186,187	0.1215
	131/2	0.2583
	82/2 NH 3	0.0541
	82/1	0.4472
	74/1/1	0.0772
	75/1	0.2355
	75/2,74/1/2,76/1	}
	75/3,74/1/3,76/2	
	58	0.0184
146 (KARAM RIVER)		0.1675
4. CHIKTYAVAD		
	519	0.1931
	520/1	0.1404
	502/1	}
	502/2	
	502/3	
	501	0.1170
	500	0.1580
	497	0.0819
	492	0.0175
	496	0.0585
	495	0.0819
	494(GL)	0.1580
	433 (G.DRAIN)	0.0029
	432(GL)	0.0556
5. LODHIPURA		
	77	0.3473
	81/1	0.1584
	81/2	}
	81/3	
	80(G.DRAIN)	0.0212
	33(GL)	0.0036

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
LODHIPURA (Cont'd)	32	0.3920
	31	0.0642
	30(GL)	0.1853
	29/3	0.1150
	29/2	0.1375
	28	0.0247
	27	0.0594
	8/1	0.2428
	8/2	{}
	8/3	
	8/4	
	8/5	
	10	0.1158
	11	0.1809
	1 (NH 3)	0.0713
	194/2	0.2171
	194/1	0.0499
	195/1/1	0.2922
	195/1/2	{}
	195/2	
	195/3	
	195/4	
	196/1	}
	196/2	
	192	0.0724
	166(G.DRAIN)	0.0308
	126	0.3635
	125	0.0549
	124	0.1003
	123	0.0097
	122	0.0688
	120	0.0036
	117	0.0242
	67	0.0485

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
LODHIPURA (Cont'd)	68	0.1118
	70	0.1624
	72,71	0.0796
	73	0.1069
	74	0.1592
	76(GL)	0.0507
	78/1	0.0172
6. DUDHI	69	0.2496
	73	0.1855
	72	0.1573
	71(GL)	0.0899
	35	0.0990
	34	0.1046
	33	0.2615
	18	0.2240
	19	0.2061
	20/2	0.0345
	29/1	0.5438
	29/2/1/2	{}
	29/1/1	
	26/3	0.0001
	27	0.0512
	28(NH3)	0.0565
	152 (GL)	0.0239
	151/1	{}
	151/2	
	147	0.3758
	145/2(GL)	0.1293
	157	0.1872
	145/1(GL)	0.0223
	159/1	0.0035
	144/2KH	0.4440
	144/1	0.0051
	144/2	0.0740

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
DUDHI (Cont'd)	144/3	0.0363
	126/3	0.1753
	135	0.2192
	128	0.0159
	134	0.0002
	129	0.0106
	132	0.0715
	131	0.0891
	121(GL)	0.0221
	133 (G.DRAIN)	0.0674
	65	0.0906
	64	0.0461
	61	0.1123
7. AKLARAKHURD	26	0.4922
	25	0.2649
	24/1	0.0036
	24/2	{}
	24/3	
	24/4	
	24/5	
	23	0.0764
	22	0.1064
	21	0.1969
	20	0.1121
	19	0.3772
	18	0.0036
	17	0.3788
	42/1 A (CANAL)	0.0288
	42/1 B	{}
	42/2	
	14/1	{}
	14/2	
	14/3	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
8. GULJHARI	118/1,118/2(CANAL & GCT)	0.0238
	99	0.3606
	102/1	0.3560
	102/2	
	101	0.0351
	105/1	0.0352
	105/2	
	105/3	
	106	0.1740
	100/1,47/1	0.0806
	85/1	0.3058
	85/2	
	85/3/1	
	85/3/2	
	84	0.1872
	86	0.1440
	87	0.1152
	88	0.0288
	66	0.4833
	65/1/1	0.1683
	65/1/2	
	65/1/3	
	65/2	
	65/3	
	65/4/1	
	65/4/2	
	65/5	
	119/96	0.1144
	57	0.3102
	54(GCT)	0.1362
	53	0.1980
	52/4	0.1580
	8/1	0.2360
	8/2	
	9	0.2894
	59/1/1	0.0936
	59/1/2	
	59/2	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
9. BIKHRUN	477/1/1	0.2816
	477/1/2	
	477/1/3	
	477/1/4	
	477/2/1	
	477/2/2	
	477/2/3	
	475/1	0.1350
	475/2	
	471,473/1,473/2	0.2255
	472	0.1704
	467,469	0.3290
	465,466	0.2843
	462/1	0.1528
	462/2	
	462/3	
	462/4	
	462/5	
	489/1	0.2880
	489/2	
	454/1	0.1872
	454/2	
	490/1,490/2(CANAL & GCT)	0.0216
	453/1	0.2016
	453/2	
	451/1	0.0458
	451/2	
	450	0.1607
	455 (G.DRAIN)	0.0338
	449	0.0345
	414	0.3888
	415/1	0.0145
	415/2	
	420	0.1320
	419	0.3312
	356/1	0.0176

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BIKHRUN (Cont'd)	424 (G.DRAIN)	0.0295
	355/1	0.1944
	355/2	
	355/3	
	355/4	
	354	0.1584
	344/1	0.0432
	344/2	
	346	0.1008
	347/1	0.1075
	347/2	
	347/3/1	
	347/3/2	
	350/1,350/2(CANAL & GCT)	0.0468
	315/1	0.1404
	315/2	
	315/3	
	327	0.0145
	326	0.1149
	316/1	0.0072
	316/2	
	325/1	0.1194
	325/2	
	324,323	0.0944
	321,320	0.0651
	322	0.0451
	250/1,250/2(CANAL & GCT)	0.0259
	258	0.1978
	257/1	0.1364
	257/2	
	256	0.1646
	255	0.0755
	212	0.0432
	236	0.0838
	235	0.0868
	217	0.2252
	224/1,224/2(CANAL & GCT)	0.0238

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
10. KHALKHURD	42	0.0515
	43	0.0165
	38	0.5434
	41(GL)	0.0600
	39	0.3160
	19	0.2186
	18	0.4271
	17	0.2490
	2	0.0040
	3	0.4626
	6(GL)	0.0447
11. SUNDREL	728	0.0669
12. SALA	20/1/1 K 20/1/1 KH 20/1/2 20/2 20/3	0.1931
	21	0.1171
	24	0.3852
	25	0.0056
	27/1/1, 27/1/2 K 27/1/2 KH 27/2/2, 27/2/1 27/3 27/4	0.5383
	27/5	
	28/3	0.1943
	28/2	0.1119
	28/1	0.1914
	16	0.0429
	12/1	0.2435
	12/2	
	11	0.2347
	10	0.1416
	109/1	0.3429
	109/2	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SALA (Cont'd)	106/1	0.2189
	106/2	
	108	0.0210
	120(GCT)	0.0101
	105	0.1058
	89	0.3676
	86/1	0.0506
	86/2	
	86/3	
	85	0.1373
	280/74/3	0.2938
CANAL(280/74/2)		0.0065
	280/74/1	0.0288
	75/1/1	0.3847
	75/1/2,75/2	
	76/1/1	0.1922
	76/1/2	
	76/2	
	76/3	
	76/4	
	55	0.1513
	54	0.0810
	139(GCT)	0.0549
13. LUNHERA	162(RIVER)	0.0804
	161/1/1(GL)	0.3214
	154/1	0.2192
	154/2/1	
	154/2/2	
	153	0.0573
	151	0.0306
	152/1	0.0369
	152/2	
	148(GL,ABADI)	0.0076
	150/1	0.0082
	150/2	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
LUNHERA (Cont'd)	135/1	0.0039
	135/2	}
	140	0.0088
	102	0.0036
	137/1	0.0557
	137/2	}
	139	0.0308
	138/1	0.0511
	138/2	}
	119(GCT)	0.0438
	118/1,118/2	0.1082
	103	0.0121
	113/1	0.1899
	104	0.0771
	93 (ROAD)	0.0420
	88/1,92	0.1007
	88/2	}
	89	0.2542
	132	0.0036
	133	0.0036
	134	0.0036
	147	0.0036
	87	0.2580
	84	0.1737
	86(GL)	0.0067
	85/2/2	0.1051
14. DUGNI	256 (GL)	0.4348
	258	0.0977
	257	0.0855
	254/1	0.2673
	254/2	}
	254/3	
	254/4	
	251/1	0.1711
	246 (G.DRAIN)	0.0143
	248 (G.DRAIN)	0.0347

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
DUGNI (Cont'd)	249(GL)	0.0143
	247	0.1568
	243/1	0.1711
	243/2	
	242 (G.DRAIN)	0.0198
	241	0.3065
	230/1 (GL)	0.2281
	234	0.1497
	233 (G.DRAIN)	0.0143
	232	0.1160
	228	0.0966
	227	0.0263
	226	0.2069
	225 (GL)	0.0428

[F. No. R-31015/35/2001 OR-II.]
HARISH KUMAR, Under Secy

नई दिल्ली, 7 मई, 2002

का. आ. 1583.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीक्षा होता है कि गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार, का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन भीतर, भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के सर्वधं में एम. सी. रेजा, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, प्लॉट नं0-7, क्वालिटी बिजनेस सेन्टर, एम. पी. नगर जोन-2, भोपाल (मध्यप्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील: हुजूर गाँव का नाम	जिला: भोपाल	राज्य: मध्य प्रदेश		
		सर्वे नंबर	हेक्टर	क्षेत्रफल आरे
1	2	3	4	5
1. खौरी	591	0	01	00
प.ह.नं. 27				
2. धामनिया	92	0	16	50
प.ह.नं. 28				
3. बकानिया	89	0	02	20
प.ह.नं.29				
4. बरखेडा सालम	1152	0	25	58
प.ह.नं.26	1148	0	36	28
	1179	0	26	34
	1205	0	06	81
	1204	0	23	56
	1201	0	12	12
	1202	0	15	70
	1203	0	09	52
	1489	0	20	78
	1492	0	19	58
	1498	0	23	22
	1499	0	22	13
	1499/1595	0	08	36
	1500	0	24	43
	1506	0	13	98
	1504	0	21	07
	1539	0	02	83
	1508	0	03	23
	1518	0	04	97
	1517	0	00	07
	1520	0	47	59
	1523	0	00	19
	1442	0	03	67
	1436	0	15	03

1	2	3	4	5
बरखेडा सालम(निरंतरद्व)	1438	0	00	58
	1507	0	04	75

उपरोक्त सर्वे नंबर पूर्व में अधिसूचित नहीं है— अधिसूचना क्र.का.आ. 75 दिनांक 09.01.2002

[फा.सं. एल. 14014/28/2001-जी.पी.]
एस. बी. मण्डल, अवर सचिव

New Delhi, the 7th May, 2002

S.O. 1583.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of regassified liquefied natural gas from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh, a pipeline should be laid by Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri M.C.Reja, Competent Authority, GTICL, Plot No.7, Quality Business Center, M.P.Nagar, Zone-II, Bhopal.

SCHEDULE				
Tehsil:Huzur Name of the Village	District: Bhopal		State: Madhya Pradesh AREA	
1	Survey No	Hectare	Are	C-Are
1. KHORI P.C.NO – 27	591	0	01	00.
2. DHAMANIYA P.C.NO - 28	92	0	16	50
3. BAKANIYA P.C.NO - 29	89	0	02	20
4. BARKHEDA SALAM P.C.NO - 26	1152 1148 1179 1205 1204 1201 1202	0 0 0 0 0 0 0	25 36 26 06 23 12 15	58 28 34 81 56 12 70

1	2	3	4	5
	1203	0	09	52
	1489	0	20	78
	1492	0	19	58
	1498	0	23	22
	1499	0	22	13
	1499/1595	0	08	36
	1500	0	24	43
	1506	0	13	98
	1504	0	21	07
	1539	0	02	83
	1508	0	03	23
	1518	0	04	97
	1517	0	00	07
	1520	0	47	59
	1523	0	00	19
	1442	0	03	67
	1436	0	15	03
	1438	0	00	58
	1507	0	04	75

[No. L. 14014/28/2001-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 7 मई, 2002

का.आ. 1584.— केंद्रीय सरकार, पेट्रोलियम और ग्यनिज पाइपलाइन
 ₹ भूमि में उपयोग के अधिकार का अर्जन ₹ अधिनियम, 1962 ₹ 1962 का 50%
 की धारा 3 की उपधारा ॥। ₹ धारा प्रदत्ते शक्तियों का प्रयोग करते हुए,
 भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मन्त्रालय की अधिसूचना ₹0 का 0
 ₹0 75 तारीख 9 जनवरी, 2002 में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची में -

पृष्ठ 204 से 205 पर, स्तंभ 1 में गाँव बरखेड़ा सालम प.ह. नं. 26
के सामने, स्तंभ 2 में आने वाले "अंक" और स्तंभ 3, 4 और 5 में क्षेत्रफल
॥हेक्टेयर, आरे. सिंचारे॥ "क्रमशः

1128	00	09	20	
1142	00	06	50	
1151	00	03	30	" के स्थान पर,
1128	00	09	73	
1142	00	25	19	
1151	00	03	82	" पढ़े।

[फा. सं. एल. 14014/28/2001-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 7th May, 2002

S. O. 1584.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.75 dated 9TH January, 2002 ~amely:-

In the Schedule to the said notification:-

At pages 208-209 against village Barkheda Salam P.C.No.26 in column 1, the entries relating to 'Survey No.' in column 2 and "Area (in Hectare, Are and C-Are)" in columns 3,4 and 5, respectively,

read	“1128	00	09	73
	1142	00	25	19
	1151	00	03	82”
for	“1128	00	09	20
	1142	00	06	50
	1151	00	03	30”

[No. L. 14014/28/2001-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 7 मई, 2002

का. आ. 1585— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत के राजपत्र में तारीख 22 दिसम्बर, 2001 को प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का. आ. 3455 तारीख 14 दिसम्बर, 2001 द्वारा उस अधिसूचना के साथ संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मुंबई—मनमाड़ पाइपलाइन (इन्डौर) ~~सिल्वर मिलेज~~ के माध्यम से पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा कर दी थी ;

और उक्त राजपत्र में प्रकाशित अधिसूचना की प्रतियाँ जनता को तारीख 12 जनवरी, 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि पाइपलाइन बिछाने के लिए उक्त भूमि की आवश्यकता है, इस अधिसूचना के साथ संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगमों से मुक्त होकर भारत पेट्रोलियम कारपोरेशन लिमिटेड में इस अधिसूचना के प्रकाशन की तारीख को निहित हो जाएगा ।

अनुसूची

तेहसील : कसरावट

जिला : झरगोन

राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वे नम्बर •	क्षेत्रफल हैक्टेयर
१. व्यानपुरा	55	0.0884
	54 (स.नाला)	0.0679
	53	0.1037
	50/1	0.0937
	50/2	
	50/3	
	52	0.1115
	51	0.4427
	48(स.चरागाह)	0.0688
	47(स.नाला)	0.0208
	46(स.चरागाह)	0.1614
	44	0.1454
	43	0.3259
	41	0.3390
	40	0.4296
	35(स.चरागाह)	0.1993
	36	0.1333
	1 (जर्मदा नटी)	0.7203
२. कोठड़ा	38 (सड़क)	0.0085
	37	0.2700
	41/2/1	0.2736
	41/2/2	0.0156
	79	0.1944
	78	0.1775
	53	0.0691
	76/1/1	0.1619
	73/2	0.2437
	72	0.3497
	71	0.2279
	67 (स.नाला)	0.0300
३. नगार्वा	48	0.0967
	41 (स.नाला)	0.0212
	52	0.0633
	53/2	0.0135
	53/3	0.1205
	53/1/1	0.0035
	53/1/2	0.2680
	37	0.1630

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर	
नगावों (निरंतर...)	32 (नदी)	0.0354	
	'9	0.0936	
	8/1	0.0070	
	13	0.1453	
	12/1	0.1949	
	12/2	0.2410	
	15/1	0.1134	
	100 (नदी)	0.0106	
4.	चीचली	567(पहाड़)	0.1662
		562	0.2455
	563(स. चरागाह)	0.0586	
	502 (स. नाला)	0.0186	
5.	औरंगपुरा	11	0.1602
	13 (पहाड़)	0.3547	
	12	0.0801	
	26 (स. चरागाह)	0.3662	
	24	0.1600	
	25(स. चरागाह)	0.2478	
	32	0.0686	
	34	0.2594	
	36(स. चरागाह)	0.0076	
	35	0.0419	
	37(स. चरागाह)	0.0152	
	40	0.1297	
	41 (स. रास्ता)	0.0190	
	43	0.7553	
6.	सत्राटी	50	0.1090
	49(स. चरागाह)	0.1512	
	48	0.0812	
	11(स. चरागाह)	0.0624	
	7	0.0576	
	3/3	0.2128	
	3/2	{	
	3/1		
	9	0.0052	
	10(स. चरागाह)	0.0524	
	12	0.3160	
	13(स. चरागाह)	0.3741	
	14(स. चरागाह)	0.0774	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
७ जरोली	262	0.3781	
	271/1		0.0763
	271/2		
	270	0.4111	
	275/1	0.0061	
	276/1	0.0873	
	276/2	0.1248	
	276/3	0.0028	
	277/4	0.0312	
	277/5	0.0953	
	278/1	0.1010	
	256 (स. यस्ता)	0.0099	
	255	0.1864	
	253	0.2057	
	252	0.2065	
४ बिजगुन	47 (बोराड नटी)	0.0972	
	48(स. चरागाह)	0.0600	
	46/1	0.5500	
	46/2		
	46/3		
	46/4		
	44(स. चरागाह)	0.0387	
	37/2	0.1416	
	37/1	0.2429	
बिजगुन (निरंतर..)	38/3 तथा 38/4	0.1300	
	33	0.4279	
	32/1	0.1650	
	32/2		
	32/3		
	3 (स. नाला)	0.0341	
	2	0.0600	
९ पीपरी	36	0.1152	
	35 (सड़क)	0.0226	
	4(स. नाला)	0.0057	
	1	0.0170	
	2(सड़क)	0.0113	
	3/2/1	0.1723	
	3/2/2		

New Delhi, the 7th May, 2002

S.O. 1585.— Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.3455, dated the 14th December, 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India on the 22nd December, 2001, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products through the Mumbai-Manmad Pipeline (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 12th January, 2002;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline and has decided to acquire the right of user in the land specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL: KASRAVAD DISTRICT : KHARGONE STATE : MADHYA PRADESH

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1. GYANPURA	55	0.0884
	54 (G.DRAIN)	0.0679
	53	0.1037
	50/1	
	50/2	
	50/3	
	52	0.1115
	51	0.4427
	48(GL)	0.0688
	47(G.DRAIN)	0.0208
	46(GL)	0.1614
	44	0.1454
	43	0.3259
	41	0.3390
	40	0.4296
	35(GL)	0.1993
	36	0.1333
	1 (NARMADA RIVER)	0.7203
2. KOTHRA	38 (Road)	0.0085
	37	0.2700
	41/2/1	0.2736
	41/2/2	0.0156
	79	0.1944
	78	0.1775
	53	0.0691
	76/1/1	0.1619
	73/2	0.2437
	72	0.3497
	71	0.2279
	67 (G.DRAIN)	0.0300
3. NAGAWA	48	0.0967
	41 (G.DRAIN)	0.0212
	52	0.0633

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
NAGAWA (Cont'd)	53/2	0.0135
	53/3	0.1205
	53/1/1	0.0035
	53/1/2	0.2680
	37	0.1630
	32 (RIVER)	0.0354
	9	0.0936
	8/1	0.0070
	13	0.1453
	12/1	0.1949
	12/2	0.2410
	15/1	0.1134
	100(RIVER)	0.0106
4. CHICHALI	567(PAHAD)	0.1662
	562	0.2455
	563(GL)	0.0586
	502 (G.DRAIN)	0.0186
5. AURANGPURA	11	0.1602
	13(PAHAD)	0.3547
	12	0.0801
	26(GL)	0.3662
	24	0.1600
	25(GL)	0.2478
	32	0.0686
	34	0.2594
	36(GL)	0.0076
	35	0.0419
	37(GL)	0.0152
	40	0.1297
	41(GCT)	0.0190
	43	0.7553
6. SATARATI	50	0.1090
	49(GL)	0.1512
	48	0.0812
	11(GL)	0.0624

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SATARATI (Cont'd)	7	0.0576
	3/3	0.2128
	3/2	
	3/1	
	9	0.0052
	10(GL)	0.0524
	12	0.3160
	13(GL)	0.3741
	14(GL)	0.0774
1. JARCLI	262	0.3781
	271/1	0.0763
	271/2	
	270	0.4111
	275/1	0.0061
	276/1	0.0873
	276/2	0.1248
	276/3	0.0028
	277/4	0.0312
	277/5	0.0953
	278/1	0.1010
	256 (GCT)	0.0099
	255	0.1864
	253	0.2057
	252	0.2065
2. BIJGUN	47 (Borad River)	0.0972
	48(GL)	0.0600
	46/1	0.5500
	46/2	
	46/3	
	46/4	
	44(GL)	0.0387
	37/2	0.1416
	37/1	0.2429
	38/3 & 38/4	0.1300
	33	0.4279

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BIJGUN (Cont'd)	32/1	0 1650
	32/2	
	32/3	
	3 (G.DRAIN)	0.0341
	2	0.0600
9. PIPRI	36	0.1152
	35 (Road)	0.0226
	4 (G DRAIN)	0.0057
	1	0.0170
	2(ROAD)	0.0113
	3/2/1	0.1723
	3/2/2	

[F No R-31015/38/2001 Ofc-II]
HARISH KUMAR, Under Secy

त्रुटि-सुधार पत्र(एराटम)

नई दिल्ली, 7 मई, 2002

का. आ. 1586.— भारत के राजपत्र, तारीख 7.7.2001 भाग II, खंड 3, उपखंड (ii) में पार
3103 से 3120 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना,
का. आ 1533 तारीख 02 जुलाई, 2001 में, पृष्ठ सं 3107 में पंक्ति सं 19 पर गाव दीपदाम का
सामने,

के स्थानपर				पढ़े			
क्षेत्रफल				क्षेत्रफल			
घरसरा सं	हेक्टेयर	एयर	वर्ग मीटर	घरसरा सं	हेक्टेयर	एयर	वर्ग मीटर
490/64	0	21	31	490/64	0	21	

भारत के राजपत्र भाग II, खंड 3 उपखंड (ii) दिनांक 07 जुलाई 2001 पर
पृष्ठ सं 3111 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का
का. आ 1533 तारीख 02 जुलाई, 2001 में की पंक्ति छ मे जा "स्थान" के स्थान पर "साधन" पढ़े

[फा सं अर 2501] [११/ओ अर I]
एस एस नन्दन

नई दिल्ली, 7 मई, 2002

का.आ. 1587 — केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का 0 आ० 1533 तारीख 2 जुलाई, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन आयल कारपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्षनों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को तारीख 20 जुलाई, 2001 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : रायपुर		जिला : पाली	राज्य : राजस्थान		
गाँव का नाम 1	खसरा सं. 2	क्षेत्रफल			वर्ग मीटर 5
		हेक्टेयर 3	एयर 4		
सबलपुरा	385	0	31	68	
	388	0	24	30	
	389	0	12	56	
	410	0	14	00	
	413	0	29	03	
	414	0	35	42	
	415	0	12	92	
	439	0	25	03	
	438	0	14	95	
	437	0	17	86	
	436	0	01	54	
	427	0	07	39	
	428	0	13	93	
	430	0	00	20	
	429	0	09	19	
	424	0	06	15	
	423	0	10	66	
	421	0	07	41	
	422	0	04	32	
	417	0	02	26	
	311	0	06	93	
	309	0	06	48	
	306	0	11	16	
	305	0	10	09	
	299	0	04	12	
	301	0	07	00	
	300	0	02	22	
	276	0	02	79	
	275	0	10	30	
	253	0	20	64	
	254	0	02	43	
	246	0	23	89	

1	2	3	4	5
	245	0	15	86
	244	0	05	41
	243	0	06	90
	237	0	22	45
	238	0	00	76
	239	0	26	63
	236	0	09	18
	235	0	05	68
चावंडिया झुर्द	15	0	03	60
	14	0	13	59
	10	0	13	14
	8	0	14	52
	7	0	12	46
	6	0	12	66
	5	0	12	52
	2	0	04	63
	234	0	01	99
	235	0	26	92
	236	0	04	24
	238	0	03	46
खीवल	2718/1	0	12	97
	2717	0	14	78
	2711/1	0	04	43
	2717/1	0	04	77
	2691	0	08	96
	2692	0	05	97
	2693	0	05	56
	2672	0	07	36
	2669	0	03	40
	2504/2	0	05	06
रायपुर-II	2274	0	22	13
	2283	0	10	81
	2277	0	09	16
	2282	0	34	39
	2373	0	16	47
	2372	0	01	45

1	2	3	4	5
	2397	0	04	73
	2398	0	18	84
	2394	0	00	51
	2390	0	04	32
	2391	0	02	41
	2392	0	36	50
	2401	0	13	12
	2401/1	0	06	13
	2402	0	06	14
	2404	0	20	16
	2405	0	14	11
	2378/3	0	02	64
	2490	0	00	60
	2492	0	21	81
	2493	0	00	40
	2477	0	21	25
	2475	0	40	77
	2471	0	28	12
	2469/1	0	15	97
	2469	0	12	36
	2466	0	00	63
	2467	0	05	96
	2468/1	0	01	12
	2459	0	24	84
	2454	0	05	35
	2453	0	03	50
मोहरा खुद	13	0	09	82
	1	0	13	80
लवाचा	252	0	19	15
	236	0	14	66
	249	0	00	20
	247	0	00	60
	248	0	17	45
	244	0	06	08
	240	0	06	49
	241	0	00	20
	242	0	07	43

1	2	3	4	5
	215	0	30	06
	216	0	33	26
	217	0	12	15
	201	0	44	89
	134	0	03	81
	131	0	01	90
	132	0	04	63
	133	0	07	62
	135	0	07	21
	136	0	08	75
	138	0	05	31
	146	0	00	20
	145	0	05	50
	144	0	06	27
	143	0	13	20
	142	0	00	20
दीपावास	104मिन	0	08	41
	104/745	0	08	63
	490/64	0	21	81
	345	0	06	46
	346	0	05	27
	352	0	05	97
	347	0	01	65
	351	0	07	22
	348	0	04	07
	350	0	05	84
	349	0	00	65
	332	0	02	44
	336	0	08	45
	245	0	24	60
	244	0	00	56
	242	0	12	17
	240	0	10	71
	229	0	13	20
	233	0	02	68
	230	0	08	65

1	2	3	4	5
	224	0	03	81
	223	0	05	72
	212	0	06	79
	211	0	05	64
	207	0	11	33
	203	0	39	07
	201	0	01	63
	200	0	04	20
	199	0	07	00
	196	0	10	60
	188	0	02	51
	190	0	27	10
	189	0	01	20
	191	0	02	71
मेगडदा	66	0	00	20
	81	0	05	59
	79	0	48	42
	71/180	0	10	70
	73	0	01	10
	74	0	11	46
	48	0	09	92
	47	0	05	35
	43	0	12	93
	14	0	10	50
	11	0	12	10
	6	0	00	20
	7	0	12	87
झाकडवाली	40	0	10	24
	88/2	0	14	17
	41	0	16	34
	45	0	05	02
	42	0	05	70
	44	0	05	54
	43	0	03	48
	66	0	14	94
	65	0	01	02

1	2	3	4	5
	82	0	21	62
	84	0	06	19
	80	0	03	70
वर्त	593	0	15	51
	594	0	09	97
	595	0	05	00
	600	0	10	28
	603	0	18	94
	604	0	11	63
	655	0	11	40
	654	0	07	53
	653	0	02	14
	674	0	00	89
	667/2	0	14	13
	668	0	11	44
	672	0	00	70
	669	0	00	98
	670/1	0	17	44
	712	0	08	02
	713	0	17	91
	714	0	05	67
	715	0	09	28
	804	0	02	37
	805	0	00	20
	815	0	03	73
	507	0	08	41
	506	0	12	71
	510मिन	0	18	12
	512	0	10	02
	513	0	05	99
	526/1661	0	00	20
	526/1631	0	05	70
पता लेडा	42/94	0	06	59
झाला की घोकी	1174	0	57	50
	1202	0	09	84
	1218	0	05	7
	1219	0	10	55
	1201	0	10	41
	1200	0	03	87
	1198	0	13	39
	1865	0	48	39
	1887	0	36	04

1	2	3	4	5
जेतपुरा	1890	0	12	24
	322	0	01	65
	329	0	00	50
	327	0	06	18
	342	0	03	64
	343	0	14	93
	344	0	10	78
धोलिया	350	0	04	53
	1	0	11	65
	70	0	05	76
	71	0	04	05
	6	0	01	30
सेबद्धा	5	0	00	44
	512	0	03	60
	510	0	05	46
	511	0	06	63
	527	0	08	10
	416	0	01	39
	406	0	03	09
	407	0	03	83
	398	0	03	59
	683	0	01	46
	674	0	02	73
	675	0	02	83
	667	0	05	15
	660	0	02	90
	659	0	00	20
	661	0	00	20
	653	0	01	70
	658	0	00	64
	657	0	02	21
	654	0	01	54
	655	0	00	67
सबलपुरा	650	0	00	20
	175	0	03	21
सराधना	185	0	11	58
	187	0	03	07
	182	0	00	20
	181	0	04	31
	455	0	00	20

1	2	3	4	5
सराधना	456	0	00	92
	458	0	00	60
	457	0	01	98
	459	0	00	52
	467	0	12	47
	468	0	00	27
	469	0	00	93
	474	0	12	42
	479	0	00	20
	480	0	01	98
	481	0	07	74
	483	0	04	36
	484	0	00	20

[फा. सं. आर. 25011/11/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 7th May, 2002

S. O. 1587.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1533, dated the 2nd July, 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat and Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project;

And whereas, copies of the said gazette notification were made available to the public on the 20th July, 2001,

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification shall be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances

SCHEDULE

Tehsil : RAIPUR		District : PALI	State : RAJASTHAN		
Name of the Village		Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	
SABALPURA	385	0	31	68	
	388	0	24	30	
	389	0	12	56	
	410	0	14	00	
	413	0	29	03	
	414	0	35	42	
	415	0	12	92	
	439	0	25	03	
	438	0	14	95	
	437	0	17	86	
	436	0	01	54	
	427	0	07	39	
	428	0	13	93	
	430	0	00	20	
	429	0	09	19	
	424	0	06	15	
	423	0	10	66	
	421	0	07	41	
	422	0	04	32	
	417	0	02	26	
	311	0	06	93	
	309	0	06	48	
	306	0	11	16	
	305	0	10	09	
	299	0	04	12	
	301	0	07	00	
	300	0	02	22	
	276	0	02	79	
	275	0	10	30	
	253	0	20	64	
	254	0	02	43	
	246	0	23	89	

1	2	3	4	5
	245	0	15	86
	244	0	05	41
	243	0	06	90
	237	0	22	45
	238	0	00	76
	239	0	26	63
	236	0	09	18
	235	0	05	68
CHAWANDIYA KHURD	15	0	03	60
	14	0	13	59
	10	0	13	14
	8	0	14	52
	7	0	12	46
	6	0	12	66
	5	0	12	52
	2	0	04	63
	234	0	01	99
	235	0	26	92
	236	0	04	24
	238	0	03	46
KHIVAL	2718/1	0	12	97
	2717	0	14	78
	2711/1	0	04	43
	2717/1	0	04	77
	2691	0	08	96
	2692	0	05	97
	2693	0	05	56
	2672	0	07	36
	2669	0	03	40
	2504/2	0	05	06
RAIPUR-II	2274	0	22	13
	2283	0	10	81
	2277	0	09	16
	2282	0	34	39
	2373	0	16	47
	2372	0	01	45

1	2	3	4	5
	2397	0	04	73
	2398	0	18	84
	2394	0	00	51
	2390	0	04	32
	2391	0	02	41
	2392	0	36	50
	2401	0	13	12
	2401/1	0	06	13
	2402	0	06	14
	2404	0	20	16
	2405	0	14	11
	2378/3	0	02	64
	2490	0	00	60
	2492	0	21	81
	2493	0	00	40
	2477	0	21	25
	2475	0	40	77
	2471	0	28	12
	2469/1	0	15	97
	2469	0	12	36
	2466	0	00	63
	2467	0	05	96
	2468/1	0	01	12
	2459	0	24	84
	2454	0	05	35
	2453	0	03	50
MOHRA KHURD	13	0	09	82
	1	0	13	80
LAWACHA	252	0	19	15
	236	0	14	66
	249	0	00	20
	247	0	00	60
	248	0	17	45
	244	0	06	08
	240	0	06	49
	241	0	00	20
	242	0	07	43

1	2	3	4	5
	215	0	30	06
	216	0	33	26
	217	0	12	15
	201	0	44	89
	134	0	03	81
	131	0	01	90
	132	0	04	63
	133	0	07	62
	135	0	07	21
	136	0	08	75
	138	0	05	31
	146	0	00	20
	145	0	05	50
	144	0	06	27
	143	0	13	20
	142	0	00	20
	104Min	0	08	41
	104/745	0	08	63
DEEPAWAS	490/64	0	21	81
	345	0	06	46
	346	0	05	27
	352	0	05	97
	347	0	01	65
	351	0	07	22
	348	0	04	07
	350	0	05	84
	349	0	00	65
	332	0	02	44
	336	0	08	45
	245	0	24	60
	244	0	00	56
	242	0	12	17
	240	0	10	71
	229	0	13	20
	233	0	02	68
	230	0	08	65

1	2	3	4	5
	224	0	03	81
	223	0	05	72
	212	0	06	79
	211	0	05	64
	207	0	11	33
	203	0	39	07
	201	0	01	63
	200	0	04	20
	199	0	07	00
	196	0	10	60
	188	0	02	51
	190	0	27	10
	189	0	01	20
	191	0	02	71
MEGARDA	66	0	00	20
	81	0	05	59
	79	0	48	42
	71/180	0	10	70
	73	0	01	10
	74	0	11	46
	48	0	09	92
	47	0	05	35
	43	0	12	93
	14	0	10	50
	11	0	12	10
	6	0	00	20
	7	0	12	87
MAKARWALI	40	0	10	24
	88/2	0	14	17
	41	0	16	34
	45	0	05	02
	42	0	05	70
	44	0	05	54
	43	0	03	48
	66	0	14	94
	65	0	01	02

1	2	3	4	5
	82	0	21	62
	84	0	06	19
	80	0	03	70
BAR	593	0	15	51
	594	0	09	97
	595	0	05	00
	600	0	13	28
	603	0	18	94
	604	0	11	63
	655	0	11	40
	654	0	07	53
	653	0	02	14
	674	0	00	89
	667/2	0	14	13
	668	0	11	44
	672	0	00	70
	669	0	00	98
	670/1	0	17	44
	712	0	08	02
	713	0	17	91
	714	0	05	67
	715	0	09	28
	804	0	02	37
	805	0	00	20
	815	0	03	73
	507	0	08	41
	506	0	12	71
	510Min	0	18	12
	512	0	19	02
	513	0	05	99
	526/1661	0	00	20
	526/1631	0	05	70
FATAKHERA	42/94	0	06	59
JHALA KI CHOWKI	1174	0	57	50
	1202	0	09	84
	1218	0	05	97
	1219	0	10	55

1	2	3	4	5
	1201	0	10	41
	1200	0	03	87
	1198	0	15	39
	1865	0	48	39
	1887	0	36	04
	1890	0	12	24
JAITPURA	322	0	01	65
	329	0	00	50
	327	0	06	18
	342	0	03	64
	343	0	14	93
	344	0	10	78
	350	0	04	53
DHOLIYA	1	0	11	65
	70	0	05	76
	71	0	04	05
	6	0	01	30
	5	0	00	44
SENDRA	512	0	03	60
	510	0	05	46
	511	0	06	63
	527	0	08	10
	416	0	01	39
	406	0	03	09
	407	0	03	83
	398	0	03	59
	683	0	01	46
	674	0	02	73
	675	0	02	83
	667	0	05	15
	660	0	02	90
	659	0	00	20
	661	0	00	20
	653	0	01	70
	658	0	00	64
	657	0	02	21

1	2	3	4	5
	654	0	01	54
	655	0	00	67
	650	0	00	20
SABALPURA	175	0	03	21
	185	0	11	58
SARADHANA	187	0	03	07
	182	0	00	20
	181	0	04	31
	455	0	00	20
	456	0	00	92
	458	0	00	60
	457	0	01	98
	459	0	00	52
	467	0	12	47
	468	0	00	27
	469	0	00	93
	474	0	12	42
	479	0	00	20
	480	0	01	98
	481	0	07	74
	483	0	04	36
	484	0	00	20

[F. No. R-25011/11/2001 OR-I.]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 7 मई, 2002

का. आ. 1588.- - केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का 0 आ 0 1532 तारीख 2 जुलाई, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन आयल कारपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेवशनों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को तारीख 20 जुलाई, 2001 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : सोजत		जिला : पाली	राज्य : राजस्थान		
गाँव का नाम 1	खसरा सं. 2	क्षेत्रफल			वर्ग मीटर 5
		हेक्टेयर 3	एयर 4		
बगड़ी	5061/1	0	19	78	
	5061/5	0	16	17	
	5061/5208	0	13	20	
	5039	0	62	66	
	5038	0	14	11	
	5037	0	03	17	
	5035	0	23	91	
	5028	0	12	87	
	4885	0	11	64	
	4885/1	0	50	50	
	4881	0	13	91	
	4886	0	62	54	
	5011	0	18	70	
	5019	0	15	08	
	5005	0	63	18	
	4930	0	32	46	
	4926	0	31	32	
	4914	0	06	86	
	4925	0	01	08	
	4922	0	26	26	
	4923	0	23	22	
	4924	0	04	19	
	4920	0	18	20	
	4917	0	07	28	
पीपलाद	781	0	00	55	
	776	0	13	65	
	509	0	12	61	
	514	0	09	10	
	525	0	02	86	
	517	0	04	29	

1	2	3	4	5
	516	0	04	81
	520	0	09	36
	500	0	16	38
	368	0	12	09
	370	0	06	76
	367	0	04	42
	365	0	00	88
	364	0	00	50
	361	0	06	61
	362	0	05	55
	363	0	00	24
	359	0	07	54
	358	0	13	00
	357	0	06	37
	356	0	09	62
	354	0	12	32
	345	0	00	42
	295	0	09	75
	296	0	16	12
	299	0	09	10
	307	0	14	04
	122	0	35	62
	123	0	30	94
	106	0	15	08
	107	0	23	08
	101	0	06	97
क्लवाद	48	0	13	05
	49	0	02	55
	45	0	12	10
	44	0	03	62
	14	0	27	49
	42	0	22	55
	24	0	18	65
	26	0	00	38
	4	0	12	66

1	2	3	4	5
	28	0	39	46
	103	0	12	40
	110	0	19	45
देवली हुल्ला	88	0	41	55
	168	0	34	58
	166	0	00	10
	167	0	01	20
	159	0	00	70
	160	0	00	32
	161	0	08	55
	158	0	22	10
	156	0	07	92
	154	0	00	36
	155	0	09	46
	209	0	28	50
	215	0	16	76
	216	0	35	35
	217	0	11	48
	235	0	09	26
	313	0	10	97
	319	0	15	97
	325	0	13	55
	326	0	10	53
	418	0	08	52
	417	0	13	85
	416/876	0	05	98
	416	0	02	73
	415/901	0	00	56
	406	0	00	30
	407	0	07	90
	402	0	13	81
	602	0	03	06
सिंगपुरा	39/655	0	63	18
	27/696	0	19	24
	28मिन	0	33	25

1	2	3	4	5
	27/687	0	32	08
	401	0	12	62
	401/697	0	05	15
	400	0	09	05
	395	0	00	48
	417	0	10	53
	418	0	16	46
	419	0	29	38
	420	0	00	20
	432	0	27	51
	436	0	33	72
	441	0	14	18
	444	0	31	68
	446	0	22	03
	448	0	06	06
	563/695	0	06	44
	563मिन	0	02	52
रायरा कलाँ	326	0	09	01
	324	0	00	20
	19	0	06	50
	18	0	08	16
	14	0	01	43
	20	0	04	16
	10	0	16	40
	3	0	08	68
	8	0	08	20
	2	0	16	44
	1	0	07	48

[फा. सं. आर. 25011/40/2001/ओ.आर. 1]
एस. एस. केमवाल, अवर सचिव

New Delhi the 7th May 2002

S. O. 1588.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1532, dated the 2nd July, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat and Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project ,

And whereas, copies of the said gazette notification were made available to the public on the 20th July, 2001,

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government,

And whereas the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired,

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances

SCHEDULE

Tehsil : SOJAT		District : PALI		State : RAJASTHAN			
Name of the Village	Khasara No.	Area			Hectare	Are	Sq.mtr.
		1	2	3			
BAGRI	5061/1	0	19	78			
	5061/5	0	16	17			
	5061/5208	0	13	20			
	5039	0	62	66			
	5038	0	14	11			
	5037	0	03	17			
	5035	0	23	91			
	5028	0	12	87			
	4885	0	11	64			
	4885/1	0	50	50			
	4881	0	13	91			
	4886	0	62	54			
	5011	0	18	70			
	5019	0	15	08			
	5005	0	63	18			
	4930	0	32	46			
	4926	0	31	32			
	4914	0	06	86			
	4925	0	01	08			
	4922	0	26	26			
	4923	0	23	22			
	4924	0	04	19			
	4920	0	18	20			
	4917	0	07	28			
PIPLAD	781	0	00	55			
	776	0	13	65			
	509	0	12	61			
	514	0	09	10			
	525	0	02	86			
	517	0	04	29			

1	2	3	4	5
	516	0	04	81
	520	0	09	36
	500	0	16	38
	368	0	12	09
	370	0	06	76
	367	0	04	42
	365	0	00	88
	364	0	00	50
	361	0	06	61
	362	0	05	55
	363	0	00	24
	359	0	07	54
	358	0	13	00
	357	0	06	37
	356	0	09	62
	354	0	12	32
	345	0	00	42
	295	0	09	75
	296	0	16	12
	299	0	09	10
	307	0	14	04
	122	0	35	62
	123	0	30	94
	106	0	15	08
	107	0	23	08
	101	0	06	97
KELWAD	48	0	13	05
	49	0	02	55
	45	0	12	10
	44	0	03	62
	14	0	27	49
	42	0	22	55
	24	0	18	65
	26	0	00	38
	4	0	12	66

1	2	3	4	5
	28	0	39	46
	103	0	12	40
	110	0	19	45
DEOLI HULLA	88	0	41	55
	168	0	34	58
	166	0	00	10
	167	0	01	20
	159	0	00	70
	160	0	00	32
	161	0	08	55
	158	0	22	10
	156	0	07	92
	154	0	00	36
	155	0	09	46
	209	0	28	50
	215	0	16	76
	216	0	05	35
	217	0	11	48
	235	0	09	26
	313	0	10	97
	319	0	15	97
	325	0	13	55
	326	0	10	53
	418	0	08	52
	417	0	13	85
	416/876	0	05	98
	416	0	02	73
	415/901	0	00	56
	406	0	00	30
	407	0	07	90
	402	0	13	81
	602	0	03	06
SINGPURA	39/655	0	63	18
	27/696	0	19	24
	28Min	0	33	25

1	2	3	4	5
	27/687	0	32	08
	401	0	12	62
	401/697	0	05	15
	400	0	09	05
	395	0	00	48
	417	0	10	53
	418	0	16	46
	419	0	29	38
	420	0	00	20
	432	0	27	51
	436	0	33	72
	441	0	14	18
	444	0	31	68
	446	0	22	03
	448	0	06	06
	563/695	0	06	44
	563Min	0	02	52
RAYRAKALA	326	0	09	01
	324	0	00	20
	19	0	06	50
	18	0	08	16
	14	0	01	43
	20	0	04	16
	10	0	16	40
	3	0	08	68
	8	0	08	20
	2	0	16	44
	1	0	07	48

[F No R-25011/40/2001 OR-I]
S S KEMWAL, Under Secy

नई दिल्ली, 7 मई, 2002

का. आ. 1589.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का 0 आ० 2962 तारीख 2 नवम्बर 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन आयल कारपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेवकशर्नों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को 13 नवम्बर 2001 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : पीसांगन		जिला : अजमेर		राज्य : राजस्थान	
गाँव का नाम 1	खसरा सं. 2	क्षेत्रफल			
		हेक्टेयर 3	एयर 4	वर्ग मीटर 5	
छद्दलाई	222/1	0	16	00	
	218/1	0	00	20	
	218/2	0	00	20	
	219	0	10	62	
	217 मिन	0	09	98	
	217	0	04	28	
	216	0	09	71	
	215/2	0	12	94	
	214/2	0	04	24	
	213/2	0	04	15	
	212/2	0	04	90	
	211	0	13	19	
	208/1	0	00	20	
	208/2	0	05	31	
	207	0	07	72	
	204	0	09	62	
	203/1	0	04	19	
	203/2	0	04	81	
	154	0	04	28	
	153	0	03	92	
	152	0	10	42	
	150	0	06	24	
	151	0	00	20	
	149/2	0	04	30	
	149/1	0	02	12	
	147	0	06	14	
	146	0	06	11	
	145	0	00	59	
	110	0	03	65	
	108/1	0	01	91	
	108/2	0	01	96	
	107/2	0	04	70	
	107/1	0	00	29	

1	2	3	4	5
	106/1	0	04	63
	104	0	08	73
	103	0	09	27
	102/2	0	00	20
	97/1	0	07	31
	97/2	0	09	62
	77/7	0	05	08
	77/8	0	06	84
	79	0	01	59
	80/1	0	01	11
	80/2	0	00	94
	81	0	02	21
	82	0	00	20
अन्तरगढ़	509	0	07	57
	510	0	07	62
	529	0	00	20
	511	0	06	47
	512	0	04	44
	513	0	04	04
	514	0	13	71
	515	0	00	20
	525	0	04	89
	518	0	06	31
	519	0	11	52
	523	0	00	52
	520	0	09	84
	521	0	09	52
	437	0	01	42
	432	0	01	72
	438	0	08	19
	431	0	13	00
	430	0	11	90
	423	0	00	20
	424	0	16	18
	416	0	08	75
	419	0	06	37
	160	0	00	64

1	2	3	4	5
	161	0	07	15
	162	0	09	78
	375	0	09	14
	374	0	04	57
	376	0	01	86
	372	0	05	15
	371	0	07	08
	368	0	00	82
	363	0	05	73
	364	0	06	95
	358	0	05	66
	357	0	18	02
	771	0	03	80
	773	0	09	14
	774	0	02	96
	858	0	16	73
	834	0	00	58
	839	0	06	63
	846	0	02	83
	845	0	10	04
	840	0	03	09
	841	0	05	78
	823	0	00	76
	842	0	00	21
লীড়ী	136	0	01	67
	135	0	05	32
	139	0	05	14
	138	0	00	20
	141	0	04	31
	142	0	04	64
	144	0	02	04
	147	0	00	20
	145	0	00	32
	146	0	03	50
	159	0	00	54

1	2	3	4	5
	157	0	13	91
	156	0	02	96
	162	0	04	17
	219	0	00	51
	229	0	06	18
	228	0	07	08
	227	0	02	51
	226	0	01	29
	34	0	04	31
	235	0	11	24
	236	0	00	20
	435	0	07	94
	434	0	09	04
	453	0	07	66
	431	0	00	20
	456	0	03	02
	455	0	05	21
	461	0	14	22
	464	0	06	37
	465	0	02	32
	477	0	10	94
	478	0	02	51
	503	0	03	09
	557	0	06	56
	558	0	10	68
	559	0	05	12
	560	0	04	68
	565	0	03	73
	561	0	00	47
	564	0	10	81
	571	0	11	38
	572	0	11	31
	580	0	00	90
	574	0	00	39
	575	0	03	41

1	2	3	4	5
	576	0	07	14
	578	0	06	44
	577	0	00	20
	659	0	14	89
	661	0	15	19
	662	0	02	24
	684	0	08	20
	687	0	12	83
	689	0	17	86
	690	0	13	02
	692	0	16	60
	695	0	06	31
	696	0	08	98
	698	0	09	16
	699	0	08	37
	700	0	00	20
	2263	0	09	05
	2262	0	04	67
	2261	0	03	35
	2260	0	07	92
	2256	0	07	34
	2248	0	12	87
	2244	0	08	24
	2237	0	06	82
	2238	0	05	58
	2241	0	00	20
	2240	0	07	01
	3067	0	07	34
	3065	0	05	35
	3070	0	02	09
	3071	0	03	97
	3085	0	07	13
	3125	0	08	47
	3134	0	07	13
	3127	0	01	60

1	2	3	4	5
	3132	0	02	24
	3128	0	04	44
	3131	0	00	44
	3130	0	07	04
	3140	0	10	48
	3141	0	00	20
	3396	0	11	78
	3437	0	05	53
	3436	0	04	89
	3422	0	04	76
	3421	0	07	85
	3598	0	11	26
	3599	0	07	54
	3601	0	00	35
	3602	0	02	32
	3604	0	02	83
	3643	0	22	75
	3709	0	07	27
	3698	0	16	73
	3699	0	19	31
बिडकच्चावास	5871 मिन	0	19	86
	5869	0	25	74
	5854 मिन	0	14	04
	5842 मिन	0	57	16
	5843 मिन	0	01	99
	5841 मिन	0	26	77

[फा. सं. आर. 25011/40/2001/ओ.आर. I]
एस. एस. केमवाल, अवर सचिव

New Delhi, the 7th May, 2002

S. O. 1589.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 2962, dated 2nd November 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat and Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project ,

And whereas copies of the said notification were made available to the public on 13th November,2001

And whereas the competent authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired,

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest on the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : PISANGAN		District : AJMER	State : RAJASTHAN		
Name of the Village		Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	
RUDLAI					
	222/1	0	16	00	
	218/1	0	00	20	
	218/2	0	00	20	
	219	0	10	62	
	217 Min	0	09	98	
	217	0	04	28	
	216	0	09	71	
	215/2	0	12	94	
	214/2	0	04	24	
	213/2	0	04	15	
	212/2	0	04	90	
	211	0	13	19	
	208/1	0	00	20	
	208/2	0	05	31	
	207	0	07	72	
	204	0	09	62	
	203/1	0	04	19	
	203/2	0	04	81	
	154	0	04	28	
	153	0	03	92	
	152	0	10	42	
	150	0	06	24	
	151	0	00	20	
	149/2	0	04	30	
	149/1	0	02	12	
	147	0	06	14	
	146	0	06	11	
	145	0	00	59	
	110	0	03	65	
	108/1	0	01	91	
	108/2	0	01	96	
	107/2	0	04	70	
	107/1	0	00	29	

1	2	3	4	5
	106/1	0	04	63
	104	0	08	73
	103	0	09	27
	102/2	0	00	20
	97/1	0	07	31
	97/2	0	09	62
	77/7	0	05	08
	77/8	0	06	84
	79	0	01	59
	80/1	0	01	11
	80/2	0	00	94
	81	0	02	21
	82	0	00	20
AMARGARH	509	0	07	57
	510	0	07	62
	529	0	00	20
	511	0	06	47
	512	0	04	44
	513	0	04	04
	514	0	13	71
	515	0	00	20
	525	0	04	89
	518	0	06	31
	519	0	11	52
	523	0	00	52
	520	0	09	84
	521	0	09	52
	437	0	01	42
	432	0	01	72
	438	0	08	19
	431	0	13	00
	430	0	11	90
	423	0	00	20
	424	0	16	18
	416	0	08	75
	419	0	06	37
	160	0	00	64

1	2	3	4	5
	161	0	07	15
	162	0	09	78
	375	0	09	14
	374	0	04	57
	376	0	01	86
	372	0	05	15
	371	0	07	08
	368	0	00	82
	363	0	05	73
	364	0	06	95
	358	0	05	66
	357	0	18	02
	771	0	03	80
	773	0	09	14
	774	0	02	96
	858	0	16	73
	834	0	00	58
	839	0	06	63
	846	0	02	83
	845	0	10	04
	840	0	03	09
	841	0	05	78
	823	0	00	76
	842	0	00	21
LEEDI	136	0	01	67
	135	0	05	32
	139	0	05	14
	138	0	00	20
	141	0	04	31
	142	0	04	64
	144	0	02	04
	147	0	00	20
	145	0	00	32
	146	0	03	50
	159	0	00	54

1	2	3	4	5
	157	0	13	91
	156	0	02	96
	162	0	04	17
	219	0	00	51
	229	0	06	18
	228	0	07	08
	227	0	02	51
	226	0	01	29
	234	0	04	31
	235	0	11	24
	236	0	00	20
	435	0	07	94
	434	0	09	04
	453	0	07	66
	431	0	00	20
	456	0	03	02
	455	0	05	21
	461	0	14	22
	464	0	06	37
	465	0	02	32
	477	0	10	94
	478	0	02	51
	503	0	03	09
	557	0	06	56
	558	0	10	68
	559	0	05	12
	560	0	04	68
	565	0	03	73
	561	0	00	47
	564	0	10	81
	571	0	11	38
	572	0	11	31
	580	0	00	90
	574	0	00	39
	575	0	03	41

1	2	3	4	5
	576	0	07	14
	578	0	06	44
	577	0	00	20
	659	0	14	89
	661	0	15	19
	662	0	02	24
	684	0	08	20
	687	0	12	83
	689	0	17	86
	690	0	13	02
	692	0	16	60
	695	0	06	31
	696	0	08	98
	698	0	09	16
	699	0	08	37
	700	0	00	20
	2263	0	09	05
	2262	0	04	67
	2261	0	03	35
	2260	0	07	92
	2256	0	07	34
	2248	0	12	87
	2244	0	08	24
	2237	0	06	82
	2238	0	05	58
	2241	0	00	20
	2240	0	07	01
	3067	0	07	34
	3065	0	05	35
	3070	0	02	09
	3071	0	03	97
	3085	0	07	13
	3125	0	08	47
	3134	0	07	13
	3127	0	01	60

1	2	3	4	5
	3132	0	02	24
	3128	0	04	44
	3131	0	00	44
	3130	0	07	04
	3140	0	10	48
	3141	0	00	20
	3396	0	11	78
	3437	0	05	53
	3436	0	04	89
	3422	0	04	76
	3421	0	07	85
	3598	0	11	26
	3599	0	07	54
	3601	0	00	35
	3602	0	02	32
	3604	0	02	83
	3643	0	22	75
	3709	0	07	27
	3698	0	16	73
	3699	0	19	31
BIDAKCHIYAWAS	5871 Min	0	19	86
	5869	0	25	74
	5854 Min	0	14	04
	5842 Min	0	57	16
	5843 Min	0	01	99
	5841 Min	0	26	77

[F. No. R-25011/40/2001 OR-I]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 7 मई, 2002

का. आ. 1590.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेवकशनों के संवर्द्धन के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछावें के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है उपयोग के अधिकार का अर्जन किया जाय;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री सुनील शर्मा, सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास, जयपुर राजस्थान - 302 018 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : पीसांगन	जिला : अजमेर	राज्य : राजस्थान		
गाँव का नाम	खसरा सं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
लीडी	3425 मिन	0	01	88

New Delhi, the 7th May, 2002

S. O. 1590.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam – Chaksu, Chaksu – Panipat and Chaksu – Mathura sections of Salaya – Mathura Pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Any person interested in the land described in the said Schedule, may, within twenty one days from the date on which the copies of the notification issued under sub-section(1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri.Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302 018.

SCHEDULE

Tehsil PISANGAN		District : AJMER		State · RAJASTHAN		
Name of the Village	Khasara No	Area				
		Hectare	Are	Sq.mtr		
LEEDI	1	2	3	4	5	
		3425 M.R.	0	01	88	

नई दिल्ली, 7 मई, 2002

का. आ. 1591.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्शनों के संवर्द्धन के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री सुनील शर्मा, सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास, जयपुर राजस्थान - 302 018 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : खारची		जिला : पाली		राज्य : राजस्थान	
गाँव का नाम	खसरा सं.	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
देवली	1	1654/1	0	18	12
		1654/2	0	14	59
गादाणा		39/1	0	20	90

[फा. सं. आर. 25011/27/2001/ओ.आर. 1]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 7th May, 2002

S. O. 1591.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline may be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam – Chaksu, Chaksu – Panipat and Chaksu – Mathura sections of Salaya – Mathura Pipeline System".

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302 018.

SCHEDULE

Tehsil	KHARCHI	District	PALI	State	RAJASTHAN
Name of the Village	Khasara No	Area			
		Hectare	Are	Sq mtr	
1	2	3	4	5	
DEOLI	1654/1	0	18	12	
	1654/2	0	14	59	
GADANA	39/1	0	20	90	

[F No R-25011/27/2001 OR-I]
S S KEMWAL Under Secy

नई दिल्ली, 7 मई, 2002

का. आ. 1592.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का 0 आ० 2072 तारीख 9 अगस्त, 2001 द्वारा राजस्थान राज्य की तहसील खारची, जिला पाली में उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन आयल कारपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाक्सू, चाक्सू-पानीपत और चाक्सू-मथुरा सेवशनों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाक्सू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 27.8.2001 को उपलब्ध करा दी गई थीं ;

और सकाम प्राधिकारी, राजस्थान, ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अगुस्ती

ताठसील : ऊरची		जिला : पाली	राज्य : राजस्थान		
गाँव का नाम	खसरा सं.	क्षेत्रफल			दर्गे मीटर
		हेक्टेयर	एयर	घनी	
1	2	3	4	5	
देवली	1651	0	27	94	
	1652	0	45	48	
	1654	0	18	69	
	1594	0	03	40	
	1595	0	01	40	
	1596	0	08	30	
	1597	0	00	20	
	1593	0	01	68	
	1592	0	20	04	
	1199	0	00	20	
	1200	0	10	34	
	1183	0	07	84	
	1183/1679	0	11	98	
	1176	0	16	37	
	1180	0	00	20	
	1177	0	02	99	
	1178	0	00	30	
	1179	0	07	62	
	1153/1	0	08	65	
	1153/2	0	07	66	
	1153	0	00	72	
	1152	0	00	20	
	1135	0	08	29	
	1143	0	04	50	
	1141	0	18	96	
	1136	0	00	20	
	1137	0	21	89	
	1104	0	28	42	
	1105	0	09	90	
	1101	0	02	11	
	1106	0	00	48	
	1100	0	21	24	
	1099	0	20	32	
	1069	0	05	66	
	1270	0	00	60	

1	2	3	4	5
	1273	0	16	95
	1277	0	25	76
	1283	0	34	82
	1282	0	00	51
	1284	0	01	28
	1050	0	23	49
	1049	0	07	04
	1043	0	46	57
	1009	0	25	15
	1010	0	09	70
	1012	0	02	57
	1013	0	11	94
	1002	0	07	82
	999	0	24	30
	904	0	09	27
	914	0	06	36
	915	0	01	47
	878	0	00	94
	877	0	00	65
	876	0	28	44
	872	0	31	51
	871	0	32	10
	867	0	15	36
	865	0	12	36
	864	0	08	24
	861	0	12	46
	857	0	13	18
	946	0	22	34
	947	0	18	12
	948	0	00	30
जेतपुरा	244	0	39	69
	201	0	09	10
	203	0	12	29
	204	0	21	08
	218	0	57	55
	213	0	10	25
	214	0	36	04
	279	0	07	91
	278	0	07	86
	273	0	10	46

1	2	3	4	5
कांडा	221	0	01	17
	222	0	01	13
	175	0	15	20
	172	0	34	84
	162	0	19	36
	169	0	09	06
	166	0	14	83
	167	0	00	86
	165	0	00	20
	150	0	13	80
	151	0	08	65
	148	0	11	74
	129	0	36	13
	114	0	00	20
	108	0	00	40
	113	0	12	53
	112	0	03	31
	109	0	15	32
	110	0	00	20
	111	0	20	59
	52	0	02	88
	51	0	09	78
	53	0	05	86
	30	0	09	68
	29	0	23	48
	28	0	03	91
	18	0	11	94
	17	0	11	84
	16	0	09	00
	14	0	02	35
	12	0	02	59
	13	0	10	87
	4	0	11	12
	3	0	11	43
गुडा केशरसिंह	678	0	03	13
	679	0	10	70
	680	0	11	63
	681 मिन	0	01	65
	681/2	0	06	13
	681/3	0	05	25

1	2	3	4	5
जटीयों की काणी				
	2386	0	05	23
	2357	0	05	46
	2348	0	22	96
	2347	0	32	02
	2346	0	06	69
	2345	0	20	39
	1268	0	13	13
	1263	0	06	38
	1264	0	03	50
	1260	0	12	35
	1261	0	03	23
	1255	0	13	18
	1221	0	10	91
	1215	0	03	71
आंगदोष				
	247	0	14	57
	246	0	00	20
	248	0	17	10
	249	0	04	84
	370	0	19	81
	366	0	11	22
	344	0	21	72
	340	0	06	99
	342	0	39	37
	306	0	03	69
	307	0	02	33
	337	0	00	20
	309	0	29	51
	334	0	33	73
	327	0	09	47
	328	0	03	10
रडावास	2	0	12	39
गादाणा				
	273	0	05	97
	275	0	11	63
	276	0	11	94
	312	0	03	29
	309	0	05	56
	308	0	05	35
	307	0	06	80
	282	0	39	71
	284	0	07	21

1	2	3	4	5
	285	0	11	12
	286	0	09	06
	287	0	00	80
	288	0	13	59
	233	0	03	60
	232	0	13	39
	189	0	03	45
	194	0	28	21
	198	0	02	88
	199	0	01	85
	205	0	25	81
	202	0	01	91
	217	0	31	40
	216	0	19	97
	151	0	30	89
	149	0	00	20
	150	0	41	90
	15	0	03	71
	43	0	06	80
	40	0	27	39
	60	0	22	14
राणाधार्स	354	0	11	01
	356	0	00	20
	353	0	00	90
	347	0	09	23
	346	0	04	94
	345	0	05	77
	343	0	07	52
	344	0	08	44
	337	0	09	78
	340	0	06	38
	339	0	09	47
	385	0	09	88
	386	0	05	74
	394/882	0	02	80
	390	0	13	28
	39	0	06	24
	38	0	11	87
	37	0	00	32

1	2	3	4	5
	40	0	05	25
	54	0	06	47
	53	0	07	80
	52	0	09	06
	51	0	08	32
	49	0	07	50
	101	0	19	15
	102	0	02	20
	104	0	15	52
बड़ी	277	0	11	96
	275	0	11	33
	274	0	01	42
	269/1	0	01	54
	264	0	09	91
	263	0	00	20
	262	0	03	35
	71	0	09	78
	66	0	07	46
	72	0	26	77
	73	0	17	25
	74	0	05	79
	63	0	10	55
	60	0	28	06
	58	0	14	93
	59	0	00	20
	57	0	10	23
	53	0	27	54
	26	0	14	93
	25	0	21	05
	17	0	00	31
	1	0	19	05
	16	0	02	83
	12	0	06	44
	2	0	36	29
	3	0	02	06
गोपावास	87	0	12	37
	110	0	25	44
	109	0	41	60
	107	0	25	95
	104	0	23	89

1	2	3	4	5
	60	0	02	26
बिन्धुली (मांडा)	150	0	14	41
	149	0	22	42
	148	0	07	82
	147	0	15	24
	137	0	67	13
	134	0	04	12
	130	0	21	41
	133	0	28	93
	15	0	01	96
	23	0	08	25
	28	0	02	48
	27	0	05	93
	26	0	08	96
	53	0	12	37
	52	0	00	74
	55	0	02	07
	58	0	09	93
	59	0	12	36
	60	0	00	20
मांडा	1009	0	00	37
	1012	0	30	70
	1008	0	19	25
	1023	0	11	74
	1024	0	01	85
	1026	0	19	97
	1029	0	12	25
	1119	0	08	96
	1118	0	25	95
	1136	0	00	20
	1117	0	00	20
	1137	0	13	00
	1138	0	08	65
	1110	0	29	71
	1109	0	30	44
	1094	0	28	23
	1095	0	20	17
	1086	0	18	47
	1084	0	00	28

1	2	3	4	5
	1204	0	20	57
	1237	0	29	65
	1233	0	33	90
	1286	0	10	71
	1285	0	11	53
	1284	0	38	51
	1283	0	27	76
	1313	0	07	82
	1314	0	15	81
	1315	0	05	15
	812	0	20	18
	801	0	08	67
	802	0	22	86
	804	0	00	20
	805	0	12	60
	806	0	11	78
	799	0	01	96
	733	0	19	29
	735	0	21	64
	763	0	36	96
	762	0	00	78
	761	0	32	29
ठगीरवास	229	0	04	63
	228	0	10	91
	227	0	01	34
	226	0	14	67
	225	0	03	60
	224	0	10	78
	223	0	08	49
	222	0	13	51
	220	0	26	25
	219	0	01	49
राजोलाल्कुर्द	307	0	02	57
	308	0	04	76
	309 मिन	0	26	64
	304	0	16	34
	303	0	01	03
	296	0	07	34
	297	0	07	08

1	2	3	4	5
	271	0	44	27
	270	0	00	20
	273	0	12	23
	274	0	04	38
	241	0	33	85
	230	0	38	13
	252	0	07	46
	231	0	00	20
	224	0	10	87
223 मिन		0	42	59
218 मिन		0	21	74
216	0	00	20	
215	0	08	20	
346	0	24	24	
345	0	03	17	
208	0	18	28	
206	0	16	73	
197	0	03	35	
197/1	0	13	51	
198/1	0	12	36	
198 मिन		0	13	31
195	0	04	32	
194	0	36	16	
190	0	02	45	
कंटलिया	376	0	13	18
	375	0	19	91
	374	0	11	37
	373	0	31	04
	18	0	23	95
	17	0	19	67
	13	0	09	76
	12	0	01	69
	5	0	39	58
	6	0	12	44
111 मिन		0	29	27
112	0	82	06	
115	0	17	09	
बोरबड़ी	259	0	11	12
	256	0	18	74

1	2	3	4	5
	262	0	13	90
	255	0	03	09
	263	0	16	37
	133	0	02	68
	148	0	52	64
	134	0	00	71
	142	0	13	05
	143	0	00	35
	141	0	11	69
	140	0	13	40
	139	0	38	35
गुड़ंगरी	51	0	38	56
	57	0	00	20
	71	0	35	28
	67	0	26	37
	77	0	04	89
	75	0	30	68
	76	0	00	94
	81	0	09	49
	93	0	36	46
	94	0	04	70
	100	0	26	69
	101	0	17	50
	103	0	00	20
	102	0	18	56
	107	0	02	74

[फा. सं. आर. 25011/27/2001/ओ.आर. I]

एस. एस. केमबाल, अवर सचिव

New Delhi, the 7th May, 2002

S. O. 1592.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2072 dated the 9th August, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land in Tehsil : Kharchi, District : Pali in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project :

And whereas, copies of the said notifications were made available to the public on 27.8.2001

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

Whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : KHARCHI		District : PALI	State : RAJASTHAN		
Name of the Village	Khasara No.	Area			Sq.mtr.
		Hectare	Are	5	
1	2	3	4	5	
DEOLI	1651	0	27	94	
	1652	0	45	48	
	1654	0	18	69	
	1594	0	03	40	
	1595	0	01	40	
	1596	0	08	30	
	1597	0	00	20	
	1593	0	01	68	
	1592	0	20	04	
	1199	0	00	20	
	1200	0	10	34	
	1183	0	07	84	
	1183/1679	0	11	98	
	1176	0	16	37	
	1180	0	00	20	
	1177	0	02	99	
	1178	0	00	30	
	1179	0	07	62	
	1153/1	0	08	65	
	1153/2	0	07	66	
	1153	0	00	72	
	1152	0	00	20	
	1135	0	08	29	
	1143	0	04	50	
	1141	0	18	96	
	1136	0	00	20	

1	1	2	3	4	5
DEOLI		1137	0	21	89
		1104	0	28	42
		1105	0	09	90
		1101	0	02	11
		1106	0	00	48
		1100	0	21	24
		1099	0	20	32
		1069	0	05	66
		1270	0	00	60
		1273	0	16	95
		1277	0	25	76
		1283	0	34	82
		1282	0	00	51
		1284	0	01	28
		1050	0	23	49
		1049	0	07	04
		1043	0	46	57
		1009	0	25	15
		1010	0	09	70
		1012	0	02	57
		1013	0	11	94
		1002	0	07	82
		999	0	24	30
		904	0	09	27
		914	0	06	36
		915	0	01	47
		878	0	00	94
		877	0	00	65
		876	0	28	44
		872	0	31	51
		871	0	32	10
		867	0	15	36
		865	0	12	36
		864	0	08	24
		861	0	12	46
		857	0	13	18
		946	0	22	34
		947	0	18	12
		948	0	00	30
JETPURA		244	0	39	69
		201	0	09	10
		203	0	12	29
		204	0	21	08
		218	0	57	55
		213	0	10	25

1	2	3	4	5
JETPURA				
	214	0	36	04
	279	0	07	91
	278	0	07	86
	273	0	10	46
KADU	221	0	01	17
	222	0	01	13
	175	0	15	20
	172	0	34	84
	162	0	19	36
	169	0	09	06
	166	0	14	83
	167	0	00	86
	165	0	00	20
	150	0	13	80
	151	0	08	65
	148	0	11	74
	129	0	36	13
	114	0	00	20
	108	0	00	40
	113	0	12	53
	112	0	03	31
	109	0	15	32
	110	0	00	20
	111	0	20	59
	52	0	02	88
	51	0	09	78
	53	0	05	86
	30	0	09	68
	29	0	23	48
	28	0	03	91
	18	0	11	94
	17	0	11	84
	16	0	09	00
	14	0	02	35
	12	0	02	59
	13	0	10	87
	4	0	11	12
	3	0	11	43
GURA KESHAR SINGH	678	0	03	13
	679	0	10	70
	680	0	11	63
	681MIN	0	01	65
	681/2	0	06	13
	681/3	0	05	25

1	2	3	4	5
JATIYON KI DHANI				
	2386	0	05	23
	2357	0	05	46
	2348	0	22	96
	2347	0	32	02
	2346	0	06	69
	2345	0	20	39
	1268	0	13	13
	1263	0	06	38
	1264	0	03	50
	1260	0	12	35
	1261	0	03	23
	1255	0	13	18
	1221	0	10	91
	1215	0	03	71
ANGDOSH				
	247	0	14	57
	246	0	00	20
	248	0	17	10
	249	0	04	84
	370	0	19	81
	366	0	11	22
	344	0	21	72
	340	0	06	99
	342	0	39	37
	306	0	03	69
	307	0	02	33
	337	0	00	20
	309	0	29	51
	334	0	33	73
	327	0	09	47
	328	0	03	10
RADAWAS	2	0	12	39
GADANA	273	0	05	97
	275	0	11	63
	276	0	11	94
	312	0	03	29
	309	0	05	56
	308	0	05	35
	307	0	06	80
	282	0	39	71
	284	0	07	21

1	2	3	4	5
	285	0	11	12
	286	0	09	06
	287	0	00	80
	288	0	13	59
	233	0	03	60
	232	0	13	39
	189	0	03	45
	194	0	28	21
	198	0	02	88
	199	0	01	85
	205	0	25	81
	202	0	01	91
	217	0	31	40
	216	0	19	97
	151	0	30	89
	149	0	00	20
	150	0	41	90
	15	0	03	71
	43	0	06	80
	40	0	27	39
	60	0	22	14
RANAWAS	354	0	11	01
	356	0	00	20
	353	0	00	90
	347	0	09	23
	346	0	04	94
	345	0	05	77
	343	0	07	52
	344	0	08	44
	337	0	09	78
	340	0	06	38
	339	0	09	47
	385	0	09	88
	386	0	05	74
	394/882	0	02	80
	390	0	13	28
	39	0	06	24
	38	0	11	87
	37	0	00	32

1	2	3	4	5
	40	0	05	25
	54	0	06	47
	53	0	07	80
	52	0	09	06
	51	0	08	32
	49	0	07	50
	101	0	19	15
	102	0	02	20
	104	0	15	52
BARI	277	0	11	96
	275	0	11	33
	274	0	01	42
	269/1	0	01	54
	264	0	09	91
	263	0	00	20
	262	0	03	35
	71	0	09	78
	66	0	07	46
	72	0	26	77
	73	0	17	25
	74	0	05	79
	63	0	10	55
	60	0	28	06
	58	0	14	93
	59	0	00	20
	57	0	10	23
	53	0	27	54
	26	0	14	93
	25	0	21	05
	17	0	00	31
	1	0	19	05
	16	0	02	83
	12	0	06	44
	2	0	36	29
	3	0	02	06
GOPAWAS	87	0	12	37
	110	0	25	44
	109	0	41	60
	107	0	25	95
	104	0	23	89

1	2	3	4	5
	60	0	02	26
NIMBLI (MANDA)	150	0	14	41
	149	0	22	42
	148	0	07	82
	147	0	15	24
	137	0	67	13
	134	0	04	12
	130	0	21	41
	133	0	28	93
	15	0	01	96
	23	0	08	25
	28	0	02	48
	27	0	05	93
	26	0	08	96
	53	0	12	37
	52	0	00	74
	55	0	02	07
	58	0	09	93
	59	0	12	36
	60	0	00	20
MANDA	1009	0	00	37
	1012	0	30	70
	1008	0	19	25
	1023	0	11	74
	1024	0	01	85
	1026	0	19	97
	1029	0	12	25
	1119	0	08	96
	1118	0	25	95
	1136	0	00	20
	1117	0	00	20
	1137	0	13	00
	1138	0	08	65
	1110	0	29	71
	1109	0	30	44
	1094	0	28	23
	1095	0	20	17
	1086	0	18	47
	1084	0	00	28

1	2	3	4	5
	1204	0	20	57
	1237	0	29	65
	1233	0	33	90
	1286	0	10	71
	1285	0	11	53
	1284	0	38	51
	1283	0	27	76
	1313	0	07	82
	1314	0	15	81
	1315	0	05	15
	812	0	20	18
	801	0	08	67
	802	0	22	86
	804	0	00	20
	805	0	12	60
	806	0	11	78
	799	0	01	96
	733	0	19	29
	735	0	21	64
	763	0	36	96
	762	0	00	78
	761	0	32	29
HAMEERWAS	229	0	04	63
	228	0	10	91
	227	0	01	34
	226	0	14	67
	225	0	03	60
	224	0	10	78
	223	0	08	49
	222	0	13	51
	220	0	26	25
	219	0	01	49
RAJOLAKHURD	307	0	02	57
	308	0	04	76
	309Min	0	26	64
	304	0	16	34
	303	0	01	03
	296	0	07	34
	297	0	07	08

1 .	2	3	4	5
	271	0	44	27
	270	0	00	20
	273	0	12	23
	274	0	04	38
	241	0	33	85
	230	0	38	13
	252	0	07	46
	231	0	00	20
	224	0	10	87
	223Min	0	42	59
	218Min	0	21	74
	216	0	00	20
	215	0	08	20
	346	0	24	24
	345	0	03	17
	208	0	18	28
	206	0	16	73
	197	0	03	35
	197/1	0	13	51
	198/1	0	12	36
	198Min	0	13	31
	195	0	04	32
	194	0	36	16
	190	0	02	45
KANTALIYA	376	0	13	18
	375	0	19	91
	374	0	11	37
	373	0	31	04
	18	0	23	95
	17	0	19	67
	13	0	09	76
	12	0	01	69
	5	0	39	58
	6	0	12	44
	111 Min	0	29	27
	112	0	82	06
	115	0	17	09
BORNADI	259	0	11	12
	256	0	18	74

1	2	3	4	5
	262	0	13	90
	255	0	03	09
	263	0	16	37
	133	0	02	68
	148	0	52	64
	134	0	00	71
	142	0	13	05
	143	0	00	35
	141	0	11	69
	140	0	13	40
	139	0	38	35
GUDANGARI	51	0	38	56
	57	0	00	20
	71	0	35	28
	'67	0	26	37
	77	0	04	89
	75	0	30	68
	76	0	00	94
	81	0	09	49
	93	0	36	46
	94	0	04	70
	100	0	26	69
	101	0	17	50
	103	0	00	20
	102	0	18	56
	107	0	02	74

[F No R-25011/27/2001 OR-I]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 7 मई, 2002

का. आ. 1593— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का 0 आ 0 2073 तारीख 9 अगस्त, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन आयल कारपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाक्सू, चाक्सू-पानीपत और चाक्सू-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाक्सू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 27 अगस्त, 2001 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : देसूरी		जिला : पाली	राज्य : राजस्थान		
गाँव का नाम	खसरा सं.	क्षेत्रफल			वर्ग मीटर
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
बड़ोद	411	0	00	20	
	412	0	02	08	
	413	0	05	96	
	422	0	00	20	
	421	0	00	83	
	420	0	02	55	
	414	0	01	37	
	415	0	06	85	
	416	0	08	68	
	417	0	00	20	
	392	0	04	85	
	393	0	24	18	
	395	0	02	21	
	335	0	11	10	
	329	0	09	09	
	328	0	12	49	
	327	0	10	73	
	284	0	11	70	
	285	0	08	82	
	286	0	13	47	
	271	0	15	04	
	261	0	15	78	
	262	0	04	64	
	263	0	00	24	
	260	0	07	05	
	259	0	06	80	
	258	0	08	03	
	257	0	07	19	
	87	0	17	71	
	85	0	12	17	
	26	0	30	54	
	28	0	30	55	
उब्दरथल	356	0	57	89	
	353	0	11	15	
	349	0	06	98	

1	2	3	4	5
	347	0	02	77
	345	0	11	44
	342	0	13	96
	341	0	03	84
	334	0	08	78
	333	0	06	92
	144	0	13	98
	139	0	06	76
	140	0	05	71
	136	0	10	68
	133	0	04	76
	131	0	04	55
	129	0	10	98
	124	0	18	34
	120	0	21	32
	115/394	0	07	87
	115	0	11	07
	96	0	01	28
	95	0	01	47
	94	0	00	53
पदमपुरा	105	0	18	88
	104	0	31	32
	100	0	12	04
	97	0	06	68
	96	0	20	09
	92	0	21	60
	87	0	19	76
	88	0	01	97
	86	0	28	45
	80	0	07	76
	78	0	07	77
	75	0	05	38
	74	0	00	20
	72	0	02	86
	71	0	04	12
	70	0	03	19
	69	0	03	61
	68	0	02	86
	63	0	00	48

	1	2	3	4	5
बलोप		429	0	02	73
		364	0	11	28
		363	0	15	68
		362	0	17	97
कोटड़ी		291	0	01	76
		292	0	24	50
		308/910	0	16	97
		308/911	0	03	77
		316	0	04	42
		332	0	12	68
		344	0	00	58
		342	0	29	90
		346	0	11	46
		114	0	30	88
		116	0	20	17
		121	0	18	00
		128	0	50	12
		137	0	03	73
		141	0	24	57
		397	0	06	63
		396	0	08	19
		395	0	11	46
		398	0	21	00
बांगले		4490	0	07	02
		4489	0	00	20
		4494	0	00	54
		4491	0	24	81
		4492	0	19	63
		4496	0	06	57
		4497	0	13	97
		4503	0	03	25
		4514	0	00	64
		4515	0	22	34
		4511	0	13	11
		4519	0	08	84
		4510	0	00	48
		4093	0	07	54
		4091	0	03	77
		4589	0	16	54
		4521	0	12	00

1	2	3	4	5
	4583	0	16	61
	4579	0	07	65
	4657	0	13	78
	4655	0	13	00
	4667	0	00	22
	4666	0	00	73
	4663	0	18	29
	4668	0	00	20
	4684	0	07	76
	4685	0	10	73
	4683	0	00	37
	4688	0	33	02
	3836	0	01	88
	3801	0	11	49
	3800	0	08	65
	3807	0	00	99
	3808	0	14	56
	3809	0	03	64
	3810	0	23	66
	3787	0	00	20
	3811	0	15	57
	3482	0	26	66
	3483	0	08	97
	3484	0	06	96
	3486	0	19	65
	3490	0	00	20
	3485	0	06	24
	3461	0	04	29
	3464	0	21	03
	3458	0	61	22
	3292	0	00	20
	3288	0	19	28
	3281	0	00	48
	3283/5568/1	0	02	82
	3283	0	05	46
	3282	0	07	93
	3283/5568/5848	0	13	07
	3259	0	14	15
	3347	0	00	23
	3258	0	00	46

1	2	3	4	5
गुडा केसर सिंह				
	50	0	43	09
	45	0	09	44
	44	0	08	00
	43	0	01	08
	13	0	04	37
	14	0	13	73
जीवन्द सुर्द	127	0	00	50
	128/429	0	00	20
	129	0	31	01
	92	0	33	30
	82	0	04	07
	79	0	19	79
	78	0	19	82
	100	0	00	52
	32	0	39	61
	33	0	17	55
	38	0	20	63
	41	0	07	94
	39	0	00	20
	25	0	05	68
	209	0	01	70
	222	0	40	77
	223	0	11	91
	221	0	17	73
	215	0	08	39
बोरझी	215/2	0	20	50
	216/1	0	00	66
	216	0	00	20
	626	0	05	59
	617	0	23	53
	613	0	29	68
	333	0	39	53
	271	0	29	06
	277	0	49	40
	110	0	11	10
	111	0	15	51
	112	0	20	49
	113	0	18	36
	100	0	06	89

1	2	3	4	5
	99	0	30	26
	98	0	31	41
	95	0	33	10
	94	0	32	88
	92	0	01	02
	42	0	07	67
	40	0	14	69
	38	0	13	26
	37	0	08	80
	36	0	04	12
बोलाकुङ्गा	190	0	23	86
	189	0	09	94
	196	0	01	73
	195	0	07	85
	203	0	33	85
	205	0	08	27
	206	0	10	02
	208	0	18	02
	209	0	02	69
	319	0	06	85
	317	0	25	77
	316	0	21	33
	311	0	24	42
	313	0	17	99
	294	0	00	20
	293	0	28	12
	283	0	13	48
घेनझी	235	0	23	86
	234	0	01	30
	234/850	0	04	11
	234/851	0	13	51
	217	0	02	87
	216	0	04	39
	209	0	10	48
	210	0	16	78
	211	0	03	42
	194	0	22	95
	197	0	21	13
	200	0	24	02
	183	0	19	33

1	2	3	4	5
	182/3	0	02	00
	182/2	0	05	95
	187	0	14	98
	154	0	21	09
	157	0	04	49
	28	0	10	22
	27	0	01	13
	25	0	20	58
	32	0	08	40
	38	0	19	36
	44	0	22	40
	45	0	11	96
	46	0	05	33
	47	0	12	35
	48	0	02	40
पिलोवनी	823	0	12	73
	858	0	06	05
	859	0	06	57
	860	0	08	58
	876/1	0	03	43
	876/2	0	02	55
	876/3	0	02	88
	876	0	00	65
	874/1	0	00	20
	874/2	0	00	20
	874/3	0	00	63
	874/4	0	00	95
	874/5	0	01	32
	874	0	06	50
	875/1	0	01	40
	875/2	0	01	62
	875	0	06	22
	877	0	11	07
सिवास	245	0	27	42
	244	0	44	46
	243	0	15	88
	242	0	08	20
	241/806	0	05	80

1	2	3	4	5
	241	0	06	24
	238	0	22	14
	237	0	05	77
	236	0	04	65
	33	0	05	13
	39	0	11	71
	45	0	23	31
	44	0	00	38
	43	0	13	08
	49	0	04	44
	21	0	16	53
	20	0	53	37
	81	0	11	52
	80	0	17	47
	83	0	14	84
	84	0	27	11
	89	0	07	21
	90	0	00	20
	92	0	01	33
	96	0	01	25
गुडा दोलजी	170	0	07	46
	138	0	12	12
	141	0	29	00
	142	0	04	16
	124	0	05	32
	121	0	07	36
	120	0	10	28
	119	0	12	22
	118	0	04	97
	117	0	05	64
क्षिवाड़	176	0	40	12
	172	0	08	74
	181	0	07	32
	171	0	01	09
	170	0	02	76
	184	0	40	10
	168	0	14	66
	167	0	29	20

1	2	3	4	5
	167/1397	0	03	70
	166	0	35	05
	165	0	04	10
	197	0	14	04
	196	0	00	20
	198	0	11	57
	202	0	15	08
	203	0	07	80
	204	0	07	87
	205	0	07	71
	206	0	08	06
	207	0	05	95
	209	0	13	26
	208	0	00	20
	151	0	20	40
	108	0	13	39
	109	0	04	42
	100	0	19	80
	99	0	15	81
	99/1409	0	13	01
	79	0	13	92
	80	0	14	56
	83	0	03	25
	76	0	19	20
	43	0	07	11
	42	0	10	11

[फा. सं. आर. 25011/29/2001/ओ.आर. I]
एस. एस. केमवाल, अवर सचिव

New Delhi the 7th May 2002

S. O. 1593.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S O 2073, dated the 9th August, 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat and Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project ,

And whereas, copies of the said gazette notification were made available to the public on the 27th August, 2001

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government,

And whereas the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances

SCHEDULE

Tehsil : DESURI		District : PALI	State : RAJASTHAN		
Name of the Village	Khasara No.	Area			Sq.mtr.
		Hectare	Are		
1	2	3	4	5	
BAROD	411	0	00	20	
	412	0	02	08	
	413	0	05	96	
	422	0	00	20	
	421	0	00	83	
	420	0	02	55	
	414	0	01	37	
	415	0	06	85	
	416	0	08	68	
	417	0	00	20	
	392	0	04	85	
	393	0	24	18	
	395	0	02	21	
	335	0	11	10	
	329	0	09	09	
	328	0	12	49	
	327	0	10	73	
	284	0	11	70	
	285	0	08	82	
	286	0	13	47	
	271	0	15	04	
	261	0	15	78	
	262	0	04	64	
	263	0	00	24	
	260	0	07	05	
	259	0	06	80	
	258	0	08	03	
	257	0	07	19	
	87	0	17	71	
	85	0	12	17	
	26	0	30	54	
	28	0	30	55	
UNDARTHAL	356	0	57	89	
	353	0	11	15	
	349	0	06	98	

1	2	3	4	5
	347	0	02	77
	345	0	11	44
	342	0	13	96
	341	0	03	84
	334	0	08	78
	333	0	06	92
	144	0	13	98
	139	0	06	76
	140	0	05	71
	136	0	10	68
	133	0	04	76
	131	0	04	55
	129	0	10	98
	124	0	18	34
	120	0	21	32
PADAMPURA	115/394	0	07	87
	115	0	11	07
	96	0	01	28
	95	0	01	47
	94	0	00	53
	105	0	18	88
	104	0	31	32
	100	0	12	04
	97	0	06	68
	96	0	20	09
	92	0	21	60
	87	0	19	76
	88	0	01	97
	86	0	28	45
	80	0	07	76
	78	0	07	77
	75	0	05	38
	74	0	00	20
	72	0	02	86
	71	0	04	12
	70	0	03	19
	69	0	03	61
	68	0	02	86
	63	0	00	48

1	2	3	4	5
DHALOP				
	429	0	02	73
	364	0	11	28
	363	0	15	68
	362	0	17	97
KOTADI	291	0	01	76
	292	0	24	50
	308/910	0	16	97
	308/911	0	03	77
	316	0	04	42
	332	0	12	68
	344	0	00	58
	342	0	29	90
	346	0	11	46
	114	0	30	88
	116	0	20	17
	121	0	18	00
	128	0	50	12
	137	0	03	73
	141	0	24	57
	397	0	06	63
	396	0	08	19
	395	0	11	46
	398	0	21	00
NADOL	4490	0	07	02
	4489	0	00	20
	4494	0	00	54
	4491	0	24	81
	4492	0	19	63
	4496	0	06	57
	4497	0	13	97
	4503	0	03	25
	4514	0	00	64
	4515	0	22	34
	4511	0	13	11
	4519	0	08	84
	4510	0	00	48
	4093	0	07	54
	4091	0	03	77
	4589	0	16	54
	4521	0	12	00

1	2	3	4	5
	4583	0	16	61
	4579	0	07	65
	4657	0	13	78
	4655	0	13	00
	4667	0	00	22
	4666	0	00	73
	4663	0	18	29
	4668	0	00	20
	4684	0	07	76
	4685	0	10	73
	4683	0	00	37
	4688	0	33	02
	3836	0	01	88
	3801	0	11	49
	3800	0	08	65
	3807	0	00	99
	3808	0	14	56
	3809	0	03	64
	3810	0	23	66
	3787	0	00	20
	3811	0	15	57
	3482	0	26	66
	3483	0	08	97
	3484	0	06	96
	3486	0	19	65
	3490	0	00	20
	3485	0	06	24
	3461	0	04	29
	3464	0	21	03
	3458	0	61	22
	3292	0	00	20
	3288	0	19	28
	3281	0	00	48
	3283/5568/1	0	02	82
	3283	0	05	46
	3282	0	07	93
	3283/5568/5848	0	13	07
	3259	0	14	15
	3347	0	00	23
	3258	0	00	46

1	2	3	4	5
GURA KESAR SINGH	50	0	43	09
	45	0	09	44
	44	0	08	00
	43	0	01	08
	13	0	04	37
	14	0	13	73
JIWAND KHURD	127	0	00	50
	128/429	0	00	20
	129	0	31	01
	92	0	33	30
	82	0	04	07
	79	0	19	79
	78	0	19	82
	100	0	00	52
	32	0	39	61
	33	0	17	55
	38	0	20	63
	41	0	07	94
	39	0	00	20
	25	0	05	68
	209	0	01	70
	222	0	40	77
	223	0	11	91
	221	0	17	73
	215	0	08	39
	215/2	0	20	50
	216/1	0	00	66
	216	0	00	20
BORDI	626	0	05	59
	617	0	23	53
	613	0	29	68
	333	0	39	53
	271	0	29	06
	277	0	49	40
	110	0	11	10
	111	0	15	51
	112	0	20	49
	113	0	18	36
	100	0	06	89

1	2	3	4	5
	99	0	30	26
	98	0	31	41
	95	0	33	10
	94	0	32	88
	92	0	01	02
	42	0	07	67
	40	0	14	69
	38	0	13	26
	37	0	08	80
	36	0	04	12
BOLAKURA	190	0	23	86
	189	0	09	94
	196	0	01	73
	195	0	07	85
	203	0	33	85
	205	0	08	27
	206	0	10	02
	208	0	18	02
	209	0	02	69
	319	0	06	85
	317	0	25	77
	316	0	21	33
	311	0	24	42
	313	0	17	99
	294	0	00	20
	293	0	28	12
	283	0	13	48
GHENRI	235	0	23	86
	234	0	01	30
	234/850	0	04	11
	234/851	0	13	51
	217	0	02	87
	216	0	04	39
	209	0	10	48
	210	0	16	78
	211	0	03	42
	194	0	22	95
	197	0	21	13
	200	0	24	02
	183	0	19	33

1	2	3	4	5
	182/3	0	02	00
	182/2	0	05	95
	187	0	14	98
	154	0	21	09
	157	0	04	49
	28	0	10	22
	27	0	01	13
	25	0	20	58
	32	0	08	40
	38	0	19	36
	44	0	22	40
	45	0	11	96
	46	0	05	33
	47	0	12	35
	48	0	02	40
PILOWANI	823	0	12	73
	858	0	06	05
	859	0	06	57
	860	0	08	58
	876/1	0	03	43
	876/2	0	02	55
	876/3	0	02	88
	876	0	00	65
	874/1	0	00	20
	874/2	0	00	20
	874/3	0	00	63
	874/4	0	00	95
	874/5	0	01	32
	874	0	06	50
	875/1	0	01	40
	875/2	0	01	62
	875	0	06	22
	877	0	11	07
SIWAS	245	0	27	42
	244	0	44	46
	243	0	15	88
	242	0	08	20
	241/806	0	05	80

1	2	3	4	5
	241	0	06	24
	238	0	22	14
	237	0	05	77
	236	0	04	65
	33	0	05	13
	39	0	11	71
	45	0	23	31
	44	0	00	38
	43	0	13	08
	49	0	04	44
	21	0	16	53
	20	0	53	37
	81	0	11	52
	80	0	17	47
	83	0	14	84
	84	0	27	11
	89	0	07	21
	90	0	00	20
	92	0	01	33
	96	0	01	25
GURA DOLJI	170	0	07	46
	138	0	12	12
	141	0	29	00
	142	0	04	16
	124	0	05	32
	121	0	07	36
	120	0	10	28
	119	0	12	22
	118	0	04	97
	117	0	05	64
KHIWARA	176	0	40	12
	172	0	08	74
	181	0	07	32
	171	0	01	09
	170	0	02	76
	184	0	40	10
	168	0	14	66
	167	0	29	20

1	2	3	4	5
	167/1397	0	03	70
166	0	35	05	
165	0	04	10	
197	0	14	04	
196	0	00	20	
198	0	11	57	
202	0	15	08	
203	0	07	80	
204	0	07	87	
205	0	07	71	
206	0	08	06	
207	0	05	95	
209	0	13	26	
208	0	00	20	
151	0	20	40	
108	0	13	39	
109	0	04	42	
100	0	19	80	
99	0	15	81	
99/1409	0	13	01	
79	0	13	92	
80	0	14	56	
83	0	03	25	
76	0	19	20	
43	0	07	11	
42	0	10	11	

[F. No R-25011/29/2001 OR-I]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 7 मई, 2002

का. आ. 1594.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का० आ० 1288 तारीख 6 जून, 2001 द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन आयल कारपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाकसू-चाकसू-पानीपत और चाकसू-मथुरा रोकशर्नों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ तारीख 19 जूलाई 2001 को जनता को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : ल्यावर		जिला : अजमेर	राज्य : राजस्थान		
गाँव का नाम	खसरा सं.	क्षेत्रफल			वर्ग मीटर
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
बाड़िया श्यामा	80	0	02	50	
	79	0	00	65	
	66	0	08	00	
	67	0	04	50	
	68	0	02	21	
	65	0	04	10	
	64	0	00	33	
	63	0	03	49	
	62	0	05	89	
	162	0	02	70	
	161/2	0	01	21	
	163/1	0	09	00	
	164	0	06	88	
	171	0	00	20	
	170	0	02	18	
	168	0	09	69	
	169	0	02	16	
	251	0	15	68	
	252	0	09	60	
	253	0	09	60	
	314	0	00	20	
	433/2	0	02	20	
	432/1	0	03	58	
	431	0	05	56	
	430	0	05	15	
	446	0	07	10	
	559	0	15	63	
	551	0	07	72	
	552	0	05	71	
	730	0	07	18	
	726	0	04	50	
	725	0	06	00	
बाड़िया जग्गा	321	0	08	11	
	322	0	00	20	
	318	0	12	50	

1	2	3	4	5
	317	0	10	80
	319	0	00	75
	316	0	11	52
	315	0	10	80
जालिया-I	547 मिन	0	02	20
	546	0	10	46
	732	0	13	00
	731	0	18	00
	489	0	11	05
	497	0	09	53
	496	0	04	35
	498	0	10	33
	510	0	10	31
	518	0	03	39
	519	0	01	51
	509 मिन	0	00	79
	520	0	00	29
	521	0	06	19
	528	0	03	85
	529	0	01	99
	1053/1	0	09	12
	1057	0	13	88
	1052/1	0	01	48
	1051	0	05	77
	1050	0	00	20
	1049	0	00	20
	1043	0	03	20
	1042	0	04	12
	1041	0	04	20
	859	0	02	26
	863/1	0	10	03
	862	0	00	20
	868	0	04	29
	869	0	15	66
	960	0	14	94
	962	0	00	20
	959	0	03	09
	957	0	04	05
	958	0	05	95
	952	0	11	45

1	2	3	4	5
	919	0	03	19
	920	0	06	30
	921	0	00	20
	913	0	03	76
	914	0	09	46
	916	0	00	40
	915	0	05	47
	906	0	03	06
	905	0	09	54
	904	0	02	48
शिवनाथपुरा	93	0	00	61
	94	0	14	00
	92	0	01	66
	128	0	00	40
	129	0	01	21
	130	0	03	91
	285	0	10	65
	286	0	01	47
	284/1	0	16	26
	384	0	18	07
	403	0	03	12
	385	0	00	99
	387	0	30	50
	392	0	11	30
	393	0	02	70
	462	0	08	87
	460	0	16	26
भोजपुरा	264	0	01	85
	266	0	09	27
	267	0	01	12
	272	0	00	81
	275	0	00	63
	276	0	00	20
	274	0	04	26
	273	0	07	44
	271	0	00	36
	331	0	07	21
	332	0	09	03
	333	0	07	32
	340	0	01	02

1	2	3	4	5
	337	0	00	80
	335	0	00	63
	336	0	18	50
	400/1	0	08	64
	405	0	06	77
	415	0	03	77
	416	0	01	92
	634	0	05	88
	632	0	09	43
	628	0	05	60
	636	0	01	45
	630	0	00	60
	629	0	05	50
	635	0	00	60
केशरपुरा (परसा)	79	0	05	54
	80	0	05	70
	82	0	04	25
	83	0	01	38
	84	0	00	95
	85	0	00	35
	71	0	05	85
	70	0	04	20
	69	0	02	70
	68	0	00	48
	57	0	02	70
	58	0	02	20
	59	0	05	50
	60	0	00	20
	62	0	04	65
	55	0	01	00
	54	0	07	48
	63	0	00	40
	513	0	01	30
	514	0	12	00
	515	0	00	20
	665	0	01	00
	666	0	05	30
	667	0	00	30
	663	0	01	65
	664	0	06	30

1	2	3	4	5
	518	0	00	20
	655	0	04	00
	526	0	00	40
	528	0	04	42
	529	0	03	15
	645	0	01	70
	644	0	08	60
639	मिन	0	07	40
	638	0	03	42
	637	0	03	40
	634	0	03	56
	631	0	05	35
	630	0	06	30
	629	0	01	95
	617	0	07	68
	604	0	02	90
	603	0	08	02
	599	0	02	85
	597	0	03	00
	595	0	14	00
गूदडी मालदेव	1043	0	01	00
	994	0	05	13
	995	0	02	97
	1042	0	00	20
	1027	0	03	10
	1026	0	03	50
	1024/1	0	03	90
	1025	0	01	48
	1022	0	21	40
	1010	0	01	29
	1011	0	09	90
	877	0	11	55
	841/1	0	00	71
	842	0	02	81
	866	0	08	45
	865	0	03	74
	844	0	05	58
	851	0	01	00
	859	0	03	83
	860	0	02	22

1	2	3	4	5
	861	0	00	78
	769	0	03	83
	768	0	05	33
	731	0	02	26
	767	0	01	80
	766	0	07	06
	765	0	00	40
	763	0	03	12
762	मिन	0	02	92
	760	0	03	03
	759	0	07	09
	758	0	02	60
	751	0	00	51
	757	0	00	65
	755	0	01	25
	754	0	00	20
	756	0	03	54
	553/1	0	00	82
	552/1	0	02	74
	151/1	0	04	85
	152	0	05	16
	150	0	02	40
	162	0	10	80
	163	0	05	60
	165	0	05	40
	166	0	07	51
	190	0	01	60
	171	0	03	51
	172	0	04	00
	185	0	00	86
	178	0	03	50
	179	0	04	70
	180	0	02	25
	177	0	02	20
	174	0	02	25
	175	0	04	15
	176	0	00	75
	69	0	01	10
	65	0	14	20
	62	0	01	20

1	2	3	4	5
	64	0	01	37
	63	0	09	81
	36	0	01	37
	35	0	04	60
	34	0	01	47
सेदरिया	995	0	01	51
	996	0	09	80
	998	0	08	52
	999	0	03	20
	1015	0	06	30
	1011	0	03	45
	1012	0	05	01
	1014	0	01	70
	1010	0	07	00
	1019	0	05	25
	1009/1348	0	01	20
	1029	0	00	20
	1030	0	04	38
	1033/1	0	04	23
	1269	0	19	46
	1271	0	05	18
	1272	0	05	09
	1273	0	00	40
	1276	0	08	33
	1277	0	08	83
	1278	0	00	20
	1279/1	0	11	30
	1280	0	00	20
	1282/1	0	02	85
	1283/1	0	02	18
	1284/1	0	01	95
	1285/1 भिन्न	0	03	60
	1286/1	0	03	30
	1291	0	10	88
	1294	0	02	80
	1163	0	12	00
	1160	0	10	30
	1159	0	02	06
	1158	0	01	30
	1157	0	07	29

1	2	3	4	5
	1149	0	11	85
	1148/1 मिन	0	06	96
	1147/1 मिन	0	02	00
बलांड	495/2	0	25	04
	496/2	0	00	20
	497/2	0	00	20
	498	0	00	62
	481/2	0	01	96
	480	0	02	95
	482	0	00	74
	475	0	05	12
	474	0	03	56
	469	0	00	20
	470	0	16	31
	472	0	06	42
	471	0	01	58
	445	0	01	24
	444	0	04	40
	443	0	05	91
	439 मिन	0	03	76
	438 मिन	0	04	60
	548	0	03	53
	312/2	0	00	61
	311/1	0	01	34
	311/2	0	01	37
	310	0	03	00
	308	0	01	78
	306	0	00	90
	309	0	08	20
	232	0	16	30
	225	0	13	49
	226	0	02	60
	233	0	02	00
	224	0	04	44
	223	0	04	44
	222	0	04	47
	220	0	04	05
	219	0	07	30
	178	0	00	40

1	2	3	4	5
	218	0	00	24
	180	0	06	18
	181	0	05	20
	182	0	05	00
	183	0	05	05
	193	0	07	40
	194	0	02	40
	903	0	06	87
	902/1	0	00	95
	902/2	0	04	72
गढ़ी थोरियान	1428	0	06	45
	1427	0	03	50
	1433	0	01	30
	1434	0	04	11
	1461	0	00	20
	1460	0	10	58
	1625	0	01	90
	1624	0	11	00
	1626	0	00	25
	1622	0	01	10
	1628	0	13	00
	1640	0	00	20
	1641	0	00	20
	1642	0	00	20
	1644/1	0	00	39
	1645/1	0	04	06
	1647	0	04	90
	1658/1	0	01	18
	1659	0	02	45
	1660/2	0	01	09
	1661	0	00	50
	1687/2	0	00	89
	1685	0	06	99
	1684	0	00	20
	1683	0	07	41
	1681	0	10	07
	1680	0	00	90
	1679	0	08	14
	650/3	0	03	21

1	2	3	4	5
सेसपुरा				
	313	0	04	50
	314	0	08	00
	316	0	03	35
	317	0	03	53
	318	0	03	27
	319	0	00	20
	468/1	0	03	19
	467	0	02	00
	466	0	02	70
	464	0	03	60
	465	0	02	60
लसाडिया				
	130	0	02	25
	128	0	00	20
	24	0	03	00
	25	0	00	25
	27	0	05	50
	60	0	04	00
	68	0	05	40
	70	0	07	41
लसानी I				
	755	0	01	73
	762	0	01	83
	763	0	02	32
	764	0	00	59
	765	0	03	78
	766	0	02	06
	647	0	04	54
	645	0	08	00
	646	0	01	00
	579	0	10	40
	582	0	00	20
	585	0	07	34
	584	0	01	60
	602	0	00	40
	603	0	00	75
	616	0	17	00
	615	0	00	60
	522	0	02	54
	521	0	08	53
	509	0	02	60
	508	0	00	20
	504	0	05	00
	496	0	05	08

1	2	3	4	5
जांडावास	560	0	06	12
	949	0	01	50
	977	0	03	56
	976	0	00	30
	975/1	0	04	00
	981/2	0	00	81
	981/1	0	00	20
	997	0	01	50
	996	0	03	00
सुलगवा	1863	0	09	30
	1858	0	07	79
	692	0	00	20
	704	0	06	65
	705	0	02	94
	702	0	07	60
	701/1	0	00	25
	703	0	00	80
	696	0	03	35
	698	0	00	65
	697	0	02	70
	719	0	01	50
	718	0	02	40
	730	0	03	05
	722	0	00	48
	723	0	00	30
	729	0	03	60
	733	0	04	10
	736	0	00	40
	745	0	03	45
	744	0	03	50
	743	0	03	20
	742	0	04	65
	791	0	01	65
	790	0	02	45
	794	0	03	78
	798	0	01	50
	797	0	00	80
	795	0	06	17
	796	0	00	20
	816/1	0	01	50
	817	0	01	42

1	2	3	4	5
	818	0	02	90
	819	0	00	40
	822	0	01	75
	821	0	01	10
	824	0	02	45
	825	0	02	45
	826	0	02	35
	831	0	01	85
	832	0	02	30
	836	0	02	25
	837	0	01	45
	838	0	02	00
	843	0	03	50
	466/2	0	10	00
	891	0	12	00
	892	0	01	29
	890	0	05	50
	889	0	05	32
	1028	0	03	05
	1018	0	10	80
	1020	0	00	20
	1012	0	00	95
	1011	0	06	38
	1010	0	01	00
	1000	0	02	45
	1115	0	00	70
	1114	0	03	50
	1117/2	0	00	20
	1118	0	01	15
	1119	0	02	50
	1120/1899	0	02	00
	1122	0	00	40
	1121/1	0	06	70
	1120	0	00	40
	1146	0	03	50
	1145/1	0	04	10
	1159	0	06	40
	1161	0	03	25
	1160/1	0	02	69
	1160/2	0	00	81
	1163	0	02	70

1	2	3	4	5
लाखीना	940	0	10	36
	941	0	03	20
	942	0	05	22
	943	0	06	76
	944	0	02	82
	923	0	13	39
	922	0	00	38
	945	0	10	71
	968	0	03	48
	967	0	12	13
	987	0	11	20
	988/2	0	07	85
	990	0	00	70
	1005/2	0	03	40
	989	0	02	20
	1004	0	04	50
	1003/2	0	04	05
	1062	0	04	70
	1060	0	00	20
	1061	0	03	00
	1056	0	02	10
	1057	0	03	65
	1050	0	03	00
	1053	0	00	50
	879	0	02	50
	872	0	01	29
	827	0	01	36
	826	0	00	20
	825	0	01	40
	831	0	00	20

[फा. सं. आर. 25011/8/2001/ओ.आर. I]
एस. एस. केमवाल, अवर सचिव

New Delhi, the 7th May, 2002

S.O. 1594.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1288, dated the 6th June, 2001, issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat and Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project ;

And whereas, copies of the said notification were made available to the public on the 19th July 2001.

And whereas, the competent authority has, under sub-section (1) of the section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : BEAWAR		District : AJMER	State : RAJASTHAN		
Name of the Village	Khasara No.	Area			Sq.mtr.
		Hectare	Are	5	
1	2	3	4	5	
BADIYA SHYAMA	80	0	02	50	
	79	0	00	65	
	66	0	08	00	
	67	0	04	50	
	68	0	02	21	
	65	0	04	10	
	64	0	00	33	
	63	0	03	49	
	62	0	05	89	
	162	0	02	70	
	161/2	0	01	21	
	163/1	0	09	00	
	164	0	06	88	
	171	0	00	20	
	170	0	02	18	
	168	0	09	69	
	169	0	02	16	
	251	0	15	68	
	252	0	09	60	
	253	0	09	60	
	314	0	00	20	
	433/2	0	02	20	
	432/1	0	03	58	
	431	0	05	56	
	430	0	05	15	
	446	0	07	10	
	559	0	15	63	
	551	0	07	72	
	552	0	05	71	
	730	0	07	18	
	726	0	04	50	
	725	0	06	00	
BADIYA JAGGA	321	0	08	11	
	322	0	00	20	
	318	0	12	50	

1	2	3	4	5
	317	0	10	80
	319	0	00	75
	316	0	11	52
	315	0	10	80
JALIYA-I	547Min	0	02	20
	546	0	10	46
	732	0	13	00
	731	0	18	00
	489	0	11	05
	497	0	09	53
	496	0	04	35
	498	0	10	33
	510	0	10	31
	518	0	03	39
	519	0	01	51
	509Min	0	00	79
	520	0	00	29
	521	0	06	19
	528	0	03	85
	529	0	01	99
	1053/1	0	09	12
	1057	0	13	88
	1052/1	0	01	48
	1051	0	05	77
	1050	0	00	20
	1049	0	00	20
	1043	0	03	20
	1042	0	04	12
	1041	0	04	20
	859	0	02	26
	863/1	0	10	03
	862	0	00	20
	868	0	04	29
	869	0	15	66
	960	0	14	94
	962	0	00	20
	959	0	03	09
	957	0	04	05
	958	0	05	95
	952	0	11	45

1	2	3	4	5
	919	0	03	19
	920	0	06	30
	921	0	00	20
	913	0	03	76
	914	0	09	46
	916	0	00	40
	915	0	05	47
	906	0	03	06
	905	0	09	54
	904	0	02	48
SHIVNATHPURA	93	0	00	61
	94	0	14	00
	92	0	01	66
	128	0	00	40
	129	0	01	21
	130	0	03	91
	285	0	10	65
	286	0	01	47
	284/1	0	16	26
	384	0	18	07
	403	0	03	12
	385	0	00	99
	387	0	30	50
	392	0	11	30
	393	0	02	70
	462	0	08	87
	460	0	16	26
BHOJPURA	264	0	01	85
	266	0	09	27
	267	0	01	12
	272	0	00	81
	275	0	00	63
	276	0	00	20
	274	0	04	26
	273	0	07	44
	271	0	00	36
	331	0	07	21
	332	0	09	03
	333	0	07	32
	340	0	01	02

1	2	3	4	5
	337	0	00	80
	335	0	00	63
	336	0	18	50
	400/1	0	08	64
	405	0	06	77
	415	0	03	77
	416	0	01	92
	634	0	05	88
	632	0	09	43
	628	0	05	60
	636	0	01	45
	630	0	00	60
	629	0	05	50
	635	0	00	60
KESHARPURA (PARSA)	79	0	05	54
	80	0	05	70
	82	0	04	25
	83	0	01	38
	84	0	00	95
	85	0	00	35
	71	0	05	85
	70	0	04	20
	69	0	02	70
	68	0	00	48
	57	0	02	70
	58	0	02	20
	59	0	05	50
	60	0	00	20
	62	0	04	65
	55	0	01	00
	54	0	07	48
	63	0	00	40
	513	0	01	30
	514	0	12	00
	515	0	00	20
	665	0	01	00
	666	0	05	30
	667	0	00	30
	663	0	01	65
	664	0	06	30

1	2	3	4	5
	518	0	00	20
	655	0	04	00
	526	0	00	40
	528	0	04	42
	529	0	03	15
	645	0	01	70
	644	0	08	60
	639Min	0	07	40
	638	0	03	42
	637	0	03	40
	634	0	03	56
	631	0	05	35
	630	0	06	30
	629	0	01	95
	617	0	07	68
	604	0	02	90
	603	0	08	02
	599	0	02	85
	597	0	03	00
	595	0	14	00
NOONDRI MALDEO	1043	0	01	00
	994	0	05	13
	995	0	02	97
	1042	0	00	20
	1027	0	03	10
	1026	0	03	50
	1024/1	0	03	90
	1025	0	01	48
	1022	0	21	40
	1010	0	01	29
	1011	0	09	90
	877	0	11	55
	841/1	0	00	71
	842	0	02	81
	866	0	08	45
	865	0	03	74
	844	0	05	58
	851	0	01	00
	859	0	03	83
	860	0	02	22

1	2	3	4	5
	861	0	00	78
	769	0	03	83
	768	0	05	33
	731	0	02	26
	767	0	01	80
	766	0	07	06
	765	0	00	40
	763	0	03	12
	762Min	0	02	92
	760	0	03	03
	759	0	07	09
	758	0	02	60
	751	0	00	51
	757	0	00	65
	755	0	01	25
	754	0	00	20
	756	0	03	54
	553/1	0	00	82
	552/1	0	02	74
	151/1	0	04	85
	152	0	05	16
	150	0	02	40
	162	0	10	80
	163	0	05	60
	165	0	05	40
	166	0	07	51
	190	0	01	60
	171	0	03	51
	172	0	04	00
	185	0	00	86
	178	0	03	50
	179	0	04	70
	180	0	02	25
	177	0	02	20
	174	0	02	25
	175	0	04	15
	176	0	00	75
	69	0	01	10
	65	0	14	20
	62	0	01	20

1	2	3	4	5
	64	0	01	37
	63	0	09	81
	36	0	01	37
	35	0	04	60
	34	0	01	47
SEDARIYA	995	0	01	51
	996	0	09	80
	998	0	08	52
	999	0	03	20
	1015	0	06	30
	1011	0	03	45
	1012	0	05	01
	1014	0	01	70
	1010	0	07	00
	1019	0	05	25
	1009/1348	0	01	20
	1029	0	00	20
	1030	0	04	38
	1033/1	0	04	23
	1269	0	19	46
	1271	0	05	18
	1272	0	05	09
	1273	0	00	40
	1276	0	08	33
	1277	0	08	83
	1278	0	00	20
	1279/1	0	11	30
	1280	0	00	20
	1282/1	0	02	85
	1283/1	0	02	18
	1284/1	0	01	95
	1285/1Min	0	03	60
	1286/1	0	03	30
	1291	0	10	88
	1294	0	02	80
	1163	0	12	00
	1160	0	10	30
	1159	0	02	06
	1158	0	01	30
	1157	0	07	29

1	2	3	4	5
	1149	0	11	85
BALAR	1148/1Min	0	06	96
	1147/1Min	0	02	00
	495/2	0	25	04
	496/2	0	00	20
	497/2	0	00	20
	498	0	00	62
	481/2	0	01	96
	480	0	02	95
	482	0	00	74
	475	0	05	12
	474	0	03	56
	469	0	00	20
	470	0	16	31
	472	0	06	42
	471	0	01	58
	445	0	01	24
	444	0	04	40
	443	0	05	91
	439Min	0	03	76
	438Min	0	04	60
	548	0	03	53
	312/2	0	00	61
	311/1	0	01	34
	311/2	0	01	37
	310	0	03	00
	308	0	01	78
	306	0	00	90
	309	0	08	20
	232	0	16	30
	225	0	13	49
	226	0	02	60
	233	0	02	00
	224	0	04	44
	223	0	04	44
	222	0	04	47
	220	0	04	05
	219	0	07	30
	178	0	00	40

1	2	3	4	5
	218	0	00	24
	180	0	06	18
	181	0	05	20
	182	0	05	00
	183	0	05	05
	193	0	07	40
	194	0	02	40
	903	0	06	87
	902/1	0	00	95
	902/2	0	04	72
GARHI THORIYAN	1428	0	06	45
	1427	0	03	50
	1433	0	01	30
	1434	0	04	11
	1461	0	00	20
	1460	0	10	58
	1625	0	01	90
	1624	0	11	00
	1626	0	00	25
	1622	0	01	10
	1628	0	13	00
	1640	0	00	20
	1641	0	00	20
	1642	0	00	20
	1644/1	0	00	39
	1645/1	0	04	06
	1647	0	04	90
	1658/1	0	01	18
	1659	0	02	45
	1660/2	0	01	09
	1661	0	00	50
	1687/2	0	00	89
	1685	0	06	99
	1684	0	00	20
	1683	0	07	41
	1681	0	10	07
	1680	0	00	90
	1679	0	08	14
	650/3	0	03	21

1	2	3	4	5
SENPURA	313	0	04	50
	314	0	08	00
	316	0	03	35
	317	0	03	53
	318	0	03	27
	319	0	00	20
	468/1	0	03	19
	467	0	02	00
	466	0	02	70
	464	0	03	60
	465	0	02	60
LASADIYA	130	0	02	25
	128	0	00	20
	24	0	03	00
	25	0	00	25
	27	0	05	50
	60	0	04	00
	68	0	05	40
	70	0	07	41
LASANI I	755	0	01	73
	762	0	01	83
	763	0	02	32
	764	0	00	59
	765	0	03	78
	766	0	02	06
	647	0	04	54
	645	0	08	00
	646	0	01	00
	579	0	10	40
	582	0	00	20
	585	0	07	34
	584	0	01	60
	602	0	00	40
	603	0	00	75
	616	0	17	00
	615	0	00	60
	522	0	02	54
	521	0	08	53
	509	0	02	60
	508	0	00	20
	504	0	05	00
	496	0	05	08

1	2	3	4	5
MANDAWAS	560	0	06	12
	949	0	01	50
	977	0	03	56
	976	0	00	30
	975/1	0	04	00
	981/2	0	00	81
	981/1	0	00	20
	997	0	01	50
	996	0	03	00
SUHAWA	1863	0	09	30
	1858	0	07	79
	692	0	00	20
	704	0	06	65
	705	0	02	94
	702	0	07	60
	701/1	0	00	25
	703	0	00	80
	696	0	03	35
	698	0	00	65
	697	0	02	70
	719	0	01	50
	718	0	02	40
	730	0	03	05
	722	0	00	48
	723	0	00	30
	729	0	03	60
	733	0	04	10
	736	0	00	40
	745	0	03	45
	744	0	03	50
	743	0	03	20
	742	0	04	65
	791	0	01	65
	790	0	02	45
	794	0	03	78
	798	0	01	50
	797	0	00	80
	795	0	06	17
	796	0	00	20
	816/1	0	01	50
	817	0	01	42

1	2	3	4	5
	818	0	02	90
	819	0	00	40
	822	0	01	75
	821	0	01	10
	824	0	02	45
	825	0	02	45
	826	0	02	35
	831	0	01	85
	832	0	02	30
	836	0	02	25
	837	0	01	45
	838	0	02	00
	843	0	03	50
	466/2	0	10	00
	891	0	12	00
	892	0	01	29
	890	0	05	50
	889	0	05	32
	1028	0	03	05
	1018	0	10	80
	1020	0	00	20
	1012	0	00	95
	1011	0	06	38
	1010	0	01	00
	1000	0	02	45
	1115	0	00	70
	1114	0	03	50
	1117/2	0	00	20
	1118	0	01	15
	1119	0	02	50
	1120/1899	0	02	00
	1122	0	00	40
	1121/1	0	06	70
	1120	0	00	40
	1146	0	03	50
	1145/1	0	04	10
	1159	0	06	40
	1161	0	03	25
	1160/1	0	02	69
	1160/2	0	00	81
	1163	0	02	70

1	2	3	4	5
LAKHEENA	940	0	10	36
	941	0	03	20
	942	0	05	22
	943	0	06	76
	944	0	02	82
	923	0	13	39
	922	0	00	38
	945	0	10	71
	968	0	03	48
	967	0	12	13
	987	0	11	20
	988/2	0	07	85
	990	0	00	70
	1005/2	0	03	40
	989	0	02	20
	1004	0	04	50
	1003/2	0	04	05
	1062	0	04	70
	1060	0	00	20
	1061	0	03	00
	1056	0	02	10
	1057	0	03	65
	1050	0	03	00
	1053	0	00	50
	879	0	02	50
	872	0	01	29
	827	0	01	36
	826	0	00	20
	825	0	01	40
	831	0	00	20

नई दिल्ली, 7 मई, 2002

का. आ. 1595.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग II, खण्ड-3, उप-खण्ड (ii) पृष्ठ 3479 से 3490 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं0 का. आ. 1704 तारीख 16 जुलाई, 2001 में निम्नलिखित रीति से संशोधन करती है, अर्थातः-

ग्राम सिध्धपुर - पृष्ठ 3483

1. सर्वेक्षण सं0 459 के सामने, “0-03-98” क्षेत्र के स्थल पर “0-11-60” क्षेत्र रखें
2. सर्वेक्षण सं0 470 के सामने, “0-02-12” क्षेत्र के स्थल पर “0-06-56” क्षेत्र रखें
3. सर्वेक्षण सं0 471 के सामने, “0-1-33” क्षेत्र के स्थल पर “0-09-33” क्षेत्र रखें

[फा. सं. आर. 25011/19/2001/ओ.आर. I]

एस. एस. कोमवाल, अवर सचिव

New Delhi, the 7th May, 2002

S. O. 1595.— In exercise of the powers conferred by the Sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby amends the Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No. 1704 dated 16th July, 2001 published in the Gazette of India, Part-II, Section 3, sub-section (ii) at pages 3479 to 3490 on 21st July, 2001 in the following manner namely:-

SIDHPUR Village – Page 3489

1. Against Survey No.459 for the area 0-03-98 substitute 0-11-60.
2. Against Survey No.470 for the area 0-02-12 substitute 0-06-56.
3. Against Survey No.471 for the area 0-01-33 substitute 0-09-33.

[F No R-25011/19/2001 OR-I]
S S KEMWAL, Under Secy

नई दिल्ली, 10 मई, 2002

का. आ. 1596.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन प्रकाशित की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सां0 आ0 1704 तारीख 16 जुलाई, 2001 द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन आयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेवानों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ 14.08.2001 को जनता को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शावितर्यों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शावितर्यों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूक : सिध्धपुर		जिला : पाटण		राज्य : गुजरात		
गाँव का नाम 1	सर्वे सं. 2	उप-खण्ड सं. 3	क्षेत्रफल			
			हेक्टर 4	एयर 5	वर्ग मीटर 6	
कनसरा	260		0	00	42	
	259	1अ	0	00	10	
	259	1ब	0	06	04	
	259		0	07	42	
	262	1	0	00	63	
	263		0	08	10	
	263	1	0	09	33	
	268	2	0	04	33	
	264		0	03	30	
	264	1	0	08	52	
	266		0	12	82	
	232	1	0	08	50	
	231	पी	0	05	31	
	232	पी	0	05	86	
	235		0	07	40	
	234	1	0	01	68	
	236	1	0	05	70	
	236	1पी	0	05		
	225	पी	0	10		
	225	1पी	0	02		
	224	पी	0	02	80	
	223	1	0	08	08	
	223		0	03	86	
	218		0	06	47	
	221		0	12	02	
खली	127	पी	0	06	60	
	128		0	01	16	
	158		0	00	20	
	157		0	08	45	
	159		0	00	20	
	156		0	07	39	
	154		0	08	13	
	152		0	06	55	

1	2	3	4	5	6
	150		0	08	76
	176	३क	0	15	26
	175	2	0	06	65
	178	1	0	02	67
	179		0	16	97
	182	पी	0	01	18
खोलवाडा	49		0	17	31
	51		0	09	21
	48		0	00	47
	47		0	24	19
	46	1	0	09	88
	45	1	0	00	99
	44	2	0	00	20
	45	2	0	08	56
	45	3	0	00	20
	25	पी	0	14	26
	103		0	06	57
	114		0	04	84
	113	1	0	07	26
	113		0	00	20
	112		0	11	40
	111		0	06	13
	110		0	11	87
	139		0	25	92
	132		0	10	95
	131		0	09	53
	129	1	0	19	35
	128		0	05	36
	127	पी	0	04	84
	178		0	04	36
	177		0	05	18
	176		0	12	44
	174		0	10	37
	186		0	10	02
	270		0	17	97
गणेशपुरा	2	पी	0	53	30
	401		0	08	64

1	2	3	4	5	6
	402		0	26	96
	375		0	19	09
	376	पी	0	10	85
	377	पी	0	04	88
	358		0	16	12
	354		0	15	60
	355		0	00	20
	350	पी	0	27	30
सिध्धपुर	89	पी	0	46	64
	106		0	08	99
	118	पी	0	03	97
	117	पी	0	20	22
	116	पी	0	24	03
	115		0	01	11
	113	1	0	09	63
	113	2	0	00	46
	113	3	0	01	10
	113	4	0	12	41
	113	5	0	06	81
	145	2	0	00	46
	145	4	0	14	65
	145	5	0	01	48
	153	1	0	01	33
	153	2	0	13	01
	152	1	0	14	07
	152	2	0	00	45
	151	1	0	09	84
	151	2	0	03	42
	151	3	0	06	52
	151	5	0	01	99
	156		0	19	35
	160	पी	0	09	33
	170	1	0	10	36
	170	3	0	12	21
	166	2	0	00	24
	165	2	0	16	68
	165	4	0	02	32

1	2	3	4	5	6
	426	पी	0	04	15
	427		0	09	33
	428		0	15	14
	438		0	15	16
	439		0	07	18
	444		0	10	37
	445	2	0	06	22
	443		0	07	26
	454	पी	0	14	12
	455	1	0	02	58
	455	2	0	00	81
	460	13	0	08	58
	456	1	0	02	30
	457	2	0	10	10
	458		0	00	20
	469	1	0	06	23
	469	2	0	02	49
	440	पी	0	09	76
	441		0	05	53
	443		0	05	01
	442		0	15	86
आंगलासण	424		0	05	62
	425		0	07	23
	426	2	0	00	20
	427	2	0	04	80
	428		0	07	52
	429		0	03	70
	395	1	0	11	01
	395	2	0	08	81
	397		0	00	66
	398		0	15	72
	399	1	0	01	10
	399	2	0	05	46
	399	3	0	06	22
	399	5	0	15	90
	400		0	02	32
	347	पी	0	11	06

1	2	3	4	5	6
	347		0	07	27
	348	2	0	07	95
	348	3	0	10	89
	349	4	0	05	79
	343	1	0	13	49
	343	2	0	00	20
	343	3	0	03	24
	312		0	06	48
	311		0	06	48
	310		0	02	16
	308		0	07	26
	307		0	09	16
	270		0	13	48
	272		0	04	50
	271	1	0	09	85
	284		0	11	66
	283		0	15	90
	292		0	10	89
	294		0	10	71
	237	2	0	09	84
	237	3	0	02	49
	237	4	0	00	20
	236		0	09	11
	235	4	0	00	91
सुजाणपुर	350		0	25	57
	357		0	21	60
	358		0	05	88
	362	1 पी 1	0	09	33
	376		0	20	30
	378	पी	0	29	13
	372		0	00	59
	297	1	0	07	18
	297	2	0	01	47
	297	3	0	08	12
	297	4	0	06	82
	298		0	01	04
	299		0	13	80

1	2	3	4	5	6
	283		0	26	87
	282	1	0	12	32
	282	2	0	02	45
	128	2ब	0	05	53
	131		0	15	38
	128	1/9	0	02	58
	130	पी	0	00	58
	132		0	17	62
	133		0	01	47
	140	पी	0	10	37
	134		0	10	54
	135		0	09	68
	104	1	0	26	26
	104	1पी	0	08	30
	106	पी	0	17	12
	100	3	0	08	53
	100	7	0	10	09
	100	8	0	08	49
	100	9	0	00	28
सेद्वाणा	1133		0	00	74

[फा. सं. आर. 25011/19/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

नई दिल्ली, 7 मई, 2002

S. O. 1596.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1704, dated the 16th July, 2001 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat and Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project ;

And whereas, copies of the said notification were made available to the public on 27th July, 2001,

And whereas, the competent authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired,

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances

SCHEDULE

Taluka : SIDHPUR		District : PATAN		State : GUJARAT		
Name of the Village	Survey no	Sub-Division no	Area			
			Hectare	Are	Sq mtr	
1	2	3	4	5	6	
KANESARA						
	260		0	00	42	
	259	1A	0	00	10	
	259	1B	0	06	04	
	259		0	07	42	
	262	1	0	00	63	
	263		0	08	10	
	263	1	0	09	33	
	268	2	0	04	33	
	264		0	03	30	
	264	1	0	08	52	
	266		0	12	82	
	232	1	0	08	50	
	231	P	0	05	31	
	232	P	0	05	86	
	235		0	07	40	
	234	1	0	01	68	
	236	1	0	05	70	
	236	1P	0	05	07	
	225	P	0	10	51	
	225	1P	0	02	27	
	224	P	0	02	80	
	223	1	0	08	08	
	223		0	03	86	
	218		0	06	47	
	221		0	12	02	
KHALI						
	127	P	0	06	60	
	128		0	01	16	
	158		0	00	20	
	157		0	08	45	
	159		0	00	20	
	156		0	07	39	
	154		0	08	13	
	152		0	06	55	

1	2	3	4	5	6
	150		0	08	76
	176	3C	0	15	26
	175	2	0	06	65
	178	1	0	02	67
	179		0	16	97
	182	P	0	01	18
KHOLVADA	49		0	17	31
	51		0	09	21
	48		0	00	47
	47		0	24	19
	46	1	0	09	88
	45	1	0	00	99
	44	2	0	00	20
	45	2	0	08	56
	45	3	0	00	20
	25	P	0	14	26
	103		0	06	57
	114		0	04	84
	113	1	0	07	26
	113		0	00	20
	112		0	11	40
	111		0	06	1^
	110		0	11	
	139		0	25	92
	132		0	10	95
	131		0	09	53
	129	1	0	19	35
	128		0	05	36
	127	P	0	04	84
	178		0	04	36
	177		0	05	18
	176		0	12	44
	174		0	10	37
	186		0	10	02
	270		0	17	97
GANESHPURA	2	P	0	53	30
	401		0	08	64

1	2	3	4	5	6
	402		0	26	96
	375		0	19	09
	376	P	0	10	85
	377	P	0	04	88
	358		0	16	12
	354		0	15	60
	355		0	00	20
	350	P	0	27	30
SIDHPUR	89	P	0	46	64
	106		0	08	99
	118	P	0	03	97
	117	P	0	20	22
	116	P	0	24	03
	115		0	01	11
	113	1	0	09	63
	113	2	0	00	46
	113	3	0	01	10
	113	4	0	12	41
	113	5	0	06	81
	145	2	0	00	46
	145	4	0	14	65
	145	5	0	01	48
	153	1	0	01	33
	153	2	0	13	01
	152	1	0	14	07
	152	2	0	00	45
	151	1	0	09	84
	151	2	0	03	42
	151	3	0	06	52
	151	5	0	01	99
	156		0	19	35
	160	P	0	09	33
	170	1	0	10	36
	170	3	0	12	21
	166	2	0	00	24
	165	2	0	16	68
	165	4	0	02	32

1	2	3	4	5	6
		P	0	04	15
426			0	09	33
427			0	15	14
428			0	15	16
438			0	07	18
439			0	10	37
444			0	06	22
445	2		0	07	26
443			0	14	12
454		P	0	02	58
455	1		0	00	81
455	2		0	08	58
460	1A		0	02	30
456	1		0	10	10
457	2		0	00	20
458			0	06	23
469	1		0	02	49
469	2		0	09	76
440		P	0	05	53
441			0	05	01
443			0	15	86
GANGLASAN			0	05	62
424			0	07	23
425			0	00	20
426	2		0	04	80
427	2		0	07	52
428			0	03	70
429			0	08	81
395	1		0	00	66
395	2		0	15	72
397			0	01	10
398			0	05	46
399	1		0	06	22
399	2		0	15	90
399	3		0	02	32
400			0	11	06
347	P		0		

1	2	3	4	5	6
	347		0	07	27
	348	2	0	07	95
	348	3	0	10	89
	349	4	0	05	79
	343	1	0	13	49
	343	2	0	00	20
	343	3	0	03	24
	312		0	06	48
	311		0	06	48
	310		0	02	16
	308		0	07	26
	307		0	09	16
	270		0	13	48
	272		0	04	50
	271	1	0	09	85
	284		0	11	66
	283		0	15	90
	292		0	10	89
	294		0	10	71
	237	2	0	09	84
	237	3	0	02	49
	237	4	0	00	20
	236		0	09	11
	235	4	0	00	91
SUJANPUR	350		0	25	57
	357		0	21	60
	358		0	05	88
	362	1P1	0	09	33
	376		0	20	30
	378	P	0	29	13
	372		0	00	59
	297	1	0	07	18
	297	2	0	01	47
	297	3	0	08	12
	297	4	0	06	82
	298		0	01	04
	299		0	13	80

1	2	3	4	5	6
	283		0	26	87
	282	1	0	12	32
	282	2	0	02	45
	128	2B	0	05	53
	131		0	15	38
	128	1/9	0	02	58
	130	P	0	00	58
	132		0	17	62
	133		0	01	47
	140	P	0	10	37
	134		0	10	54
	135		0	09	68
	104	1	0	26	26
	104	1P	0	08	30
	106	P	0	17	12
	100	3	0	08	53
	100	7	0	10	09
	100	8	0	08	49
	100	9	0	00	28
SEDRANA	1133		0	00	74

|F No R-25011/19/2001 OR-I |
S S KEMWAL, Under Secy.

नई दिल्ली, 10 मई, 2002

का. आ. 1597.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1515 तारीख 23 जुलाई, 1998 में निम्नलिखित संशोधन करती है ; अर्थात् :-

उक्त अधिसूचना की अनुसूची में, स्तंभ 1 के पैरा 1 में, " सोनीपत से मेरठ और कुरुक्षेत्र से सहारनपुर तक " शब्दों के स्थान पर, " सोनीपत से मेरठ, कुरुक्षेत्र से सहारनपुर और सहारनपुर से नजीबाबाद विस्तार पाइपलाइन तक" शब्द रखे जाएंगे।

[फा. सं. आर. 31015/4/98-ओ.आर. I]
एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th May, 2002

S. O. 1597.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1515 dated the 23rd July, 1998, namely :-

In the said notification, in the Schedule, in column (1), in para 1, for the words "Sonepat to Meerut and Kurukshetra to Saharanpur branch pipelines" , the words "Sonepat to Meeerut , Kurukshetra to Saharanpur branch pipelines and Saharanpur to Nazibabad Extension Pipeline" shall be substituted.

[F No R-35015/4/98-OR-I]
S S KEMWAL, Under Secy

श्रम मन्त्रालय

नई दिल्ली, 11 अप्रैल, 2002

का.आ. 1598.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केंद्रीय सरकार आंदोलिक अधिकारण/श्रम मन्त्रालय चंडीगढ़ के पचाट (संदर्भ 178/89) को प्रकाशित करती है, जो केंद्रीय सरकार को 11-4-02 को प्राप्त हुआ था।

[स. एल-12012/133/89/ डी II (अ)]

सी. गंगाधरण, अवैर सचिव

MINISTRY OF LABOUR

New Delhi, the 11th April, 2002

S.O. 1598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 178/89) of the Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 11-4-2002.

[No. L-12012/133/89-D-II(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 178/89

Bhupinder Singh, House No. 345,,
Sahid Bhagat Singh Colony,
Jalandhar .. Applicant

Versus

Zonal Manager, North Western Zone,
Bank of India SCO 181-82,
Sector-17-C, Chandigarh .. Respondent

APPEARANCES :

For the workman : Shri R. L. Chopra

For the management : Shri N. K. Zakhmi

AWARD

(Passed on 18-3-2002)

The Central Government vide notification No. L-12012/133/89-D.II(A) dt. 25th of October, 1989 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Bank of India in dismissing from service Shri Bhupinder Singh is justified? If not, to what relief is the workman entitled?”

2. The applicant filed the statement of claim stating therein that he was appointed in the bank on 11-5-77 at Pathankot Branch and he was illegally dismissed from service on 23-7-1984 although his work and conduct was satisfactory during this entire period. The applicant was implicated in a false case of misappropriation of the banks funds and the manager under whom the applicant was working has advised him to confess and own the responsibility of shortage of amount of case on the assurance that no action will be taken against the applicant. The applicant was then served with the charge sheet dated 23-6-1983 and without any reply to the charge sheet enquiry was ordered straightway against the applicant. Even the entry of the applicant was banned in the bank premises. It is alleged that proper enquiry has not been conducted against the applicant and he was not allowed full opportunity to defend himself and the confession recorded was under dictation, influence pressure and coercion and on false assurance. The enquiry was also conducted in the absence of the applicant which is against the principle of natural justice. It is also alleged that dismissal order was passed on illegal enquiry, thus the applicant be reinstated in services with all attendant benefits.

3. In written statement the management has pleaded that the applicant is guilty of serious act of misconduct and he was charge sheeted for misappropriation of Rs. 6010. Fact findings enquiry has been conducted. During the enquiry proceedings the applicant was given number of opportunities but the applicant preferred to remain absent as a result the enquiry had to be conducted ex-parte. Show cause notice was also issued. The applicant was also allowed personal hearing in which the applicant voluntarily admitted his guilt. In his representation dated 11-7-1984 he admitted that he had misappropriated the bank's funds and accordingly he was dismissed from service in terms of Bipartite Settlement dated 19-10-1986. The management also pleaded that in case this Tribunal finds an infirmity in the enquiry, the bank is ready to prove the acts of misconduct of the applicant in this Tribunal by leading oral as well as documentary evidence. In all the management pleaded that the enquiry has been conducted in fair and proper manner and the applicant was time and again advised to attend the enquiry but it is the applicant who knowingly did not attend the enquiry and the enquiry officer had to conduct the enquiry ex-parte against the applicant and the charges have been proved during the enquiry and there is no violation of principle of natural justice, and the management prayed that there is no merit in the reference and the same may be dismissed.

4. The applicant filed replication reiterating the claim made in the claim statement.

5. In evidence the applicant filed his affidavit Ex. M1. In cross-examination he had admitted that letter at page 64 which is dated 20-4-1983 is in the hands of the applicant. The management got proved the enquiry file Ex. M1 from the applicant. In rebuttal the management filed the affidavit of A. C. Mahajan, the enquiry officer who has filed his affidavit Ex. M2. The management also produced MW2 A. K. Verma who tendered his affidavit Ex. M3.

6. I have heard the learned counsels for the parties and gone through the record and evidence of the case.

After having gone through the entire enquiry proceedings, I am of the considered view that it is the applicant who deliberately did not attend the enquiry proceedings despite his knowledge about the date and timings of the enquiry proceedings. Notices have been sent to the applicant but he failed to attend the enquiry proceedings. If the workman himself choose not to attend the enquiry, the enquiry cannot be held to be vitiated on the ground that it is an ex parte enquiry. The counsel for the workman has also not offered any arguments on the fairness of the enquiry. He has only argued that the Hon'ble Supreme Court in a recent case reported in 2001 (90) F.L.R. 489, Asstt. General Manager, State Bank of India Vs. Thomas Jose and another has held that misappropriation of public money by an employee must be treated very different and reinstatement without back wages of such employee would be proper and plus with a direction that he will not be entitled to 10 increments with cumulative effect. The counsel for the management has also cited a case law decided by the Hon'ble Supreme Court on 18-2-2002 in the case of UCO Bank Vs. Hardev Singh in which the total amount of fraud was only Rs. 864 and the Hon'ble Supreme Court has held that the decision of the High Court for reinstatement in such cases was uncalled for and the applicant is not entitled to any sympathy. Thus, taking into consideration of the latest law as hold by the Hon'ble Supreme Court, the applicant in the present case is not entitled to any sympathy and the action taken by the management against the workman is fully justified and the workman is not entitled to any relief from this Tribunal. Since the enquiry has been conducted by the management and after detailed enquiry, the punishment has been imposed, there is no infirmity and the workman is not entitled to any sympathy. In this way the reference is answered and it is held that action of the management of Bank of India in dismissing from service Shri Bhupinder Singh is justified. Central Government be informed for publication the award in the Gazette.

Chandigarh,
18-3-2002.

S M GOEL, Presiding Officer

नई दिल्ली, 11 अप्रैल, 2002

का आ 1599 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/थ्रम न्यायालय अजमेर के पचाट (संख्या 13/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/4/02 को प्राप्त हुआ था।

[सं. एल-12012/59/99-प्राई आर. (बी-II)]
सी गगाधरण अवर सचिव

New Delhi, the 11th April, 2002

SO 1599 — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No 13/99) of the Industrial Tribunal-cum-Labour Court, Ajmer as shown in the annexure in the Industrial Dispute between the employers in relation to the

management of Punjab National Bank and their workman, which was received by the Central Government on 11-4-2002.

[No. L-12012/59/99-IR(B-II)]
C. GANGADHARAN, Under Secy

अनुबंध

न्यायालय थ्रम एवं औद्योगिक न्यायाधिकरण अजमेर (राज.)

पीठासीन अधिकारी राजेन्द्र सिंह राठौड़ आरएनजे एस

सीआईटीआर 13/99

(रेफरेंस नं. एन-12012/59/99/ आईआर (बी-II)
(दि 14-6-1999)

श्री राजकुमार पुव पुखराज कंवरिया रैगरान, गोपाल जी का
मौहल्ला व्यावर (अजमेर)

. प्रार्थी

वनाम

पंजाब नेशनल बैंक रीजनल मैनेजर पीएनबी सुपर बाजार, भरतपुर
.. अप्रार्थी

उपस्थित श्री एस पी सिंह, विद्वान् अधिवक्ता प्रार्थी

श्री सो आर कोठारी विद्वान् प्रतिनिधि एवं

श्री आर. पी शर्मा विद्वान् प्रतिनिधि/अधिवक्ता, अप्रार्थी

दिनांक 15-3-2002

अवार्ड

1 भारत सरकार के श्रप मन्त्रालय ने निम्नांकित विवाद इस न्यायाधिकरण के समक्ष न्याय निर्णयन हेतु प्रेषित किया है “आया पंजाब नेशनल बैंक मार्फत रीजनल मैनेजर भरतपुर का लिपिक राजकुमार कंवरिया की सेवाये दि 12-6-96 में समाप्त करने की कार्यवाही वैधानिक एवं औचित्यपूर्ण है ; यदि नहीं तो कर्मकार किस राहत को पाने का अधिकारी है तथा किस तिथि में राहत पाने का अधिकारी है ?”

2 प्रार्थी ने अपने स्टेटमेंट अफ डिमांड में बताया है कि दि 26-9-89 को लिपिक/टक्कन के स्थाई पद व वेतनमान में विधिवत वयन होने के बाद उसकी नियुक्ति अप्रार्थी के यहाँ हुई। प्रार्थी का पद स्थान भौतिक शाखा राजाव नेशनल बैंक धोलपुर में था तब अप्रार्थी ने प्रार्थी की अनुपस्थिति के आधार पर ग्रादेश 12-6-98 जारी कर उसे सेवा पृथक कर दिया। विपक्षी नियोजक सम्बन्ध के सेवा नियमों में अनुपस्थिति दुराचरण की परिभाषा में आता है परतु उसे न तो कोई विधिवत आरोप पत्र दिया गया व न ही कोई जाव की गयी। प्रार्थी ने लगातार 240 दिवस से अधिक कार्य किया परतु उसकी छठनी औद्योगिक विवाद अधिनियम के प्रावधानों के विवरत कर दी गयी। प्रार्थी की नियुक्ति करने वाले अधिकारी से कनिष्ठ अधिकारी द्वारा कार्यवाही की गयी है। अत उक्त कनिष्ठ अधिकारी उसका अनुशासनिक अधिकारी नहीं हो सकता है व इस कारण भी सेवा पृथक करना अनुचित व अवैध है। प्रार्थी ने विपक्षी के माथ निरन्तर पत्राचार किया जिन पत्रों को देखने

विपक्षी का पठयंत्र सामने आ जाता है। शाखा प्रबंधक एवं सहायक शाखा प्रबंधक ने अपने परिवार जनों को अनुचित व अवैध ढंग से बैंक के नियम व कार्य-प्रणाली के खिलाफ जाकर अनुचित लाभ पहुंचाना चाहा जिसकी प्रार्थी ने शिकायत की। इसी कारण से क्षुद्ध होकर प्रार्थी की सेवा से हटाने के लिए तरह-तरह के पठयंत्र रखे गये। प्रार्थी ने उक्त समस्त बातें वरिष्ठतम् अधिकारियों को व क्षेत्रीय अधिकारियों को पत्र लिखकर जानकारी उपलब्ध कराई। प्रार्थी को उसके बेतन से वंचित किया गया व जबरन ड्यूटी पर आने से रोका जबकि प्रार्थी कभी भी इरादतन अनुपस्थित नहीं रहा।

प्रार्थी का निवेदन है कि उसके विरुद्ध जारी सेवा पृथक्करण आदेश दि. 12-6-98 को अनुचित व अवैध घोषित किया जावे तथा प्रार्थी को सबेतन सेवा में बहाल कराये जाने का अवार्ड व हर्जा-खर्चा एवं व्याज सहित पारित किया जावे।

प्रार्थी ने अपना शपथ पत्र प्रस्तुत किया है तथा उसके द्वारा किये गये समय-समय पर पत्राचार की प्रतियां भी प्रस्तुत की हैं।

3. अप्रार्थी ने अपने जवाब में यह बताया है कि प्रार्थी पूर्व में भी 17-10-93 से 18-10-94 तक एवं 14-11-94 से 14-2-95 तक अनाधिकृत रूप से शाखा से अनुपस्थित रहे थे जिस कारण द्विपक्षीय समझौते के प्रावधानों के तहत उन्हें आरोप पत्र 17-5-95 जारी किया गया था व लघु अवचार के अंतर्गत चेतावनी का दंड 26-10-95 को दिया गया था। अपने सेवा काल में 1-11-97 तक प्रार्थी 592 दिन तथा अनाधिकृत रूप से बिना बेतन पर अनुपस्थित रहा। बिना बेतन अवकाश कर्मचारी की संपूर्ण सेवा काल में 12 माह से अधिक स्वीकृत नहीं किया जा सकता। इसके बावजूद प्रार्थी 4-11-97 से पुनः लगातार 90 दिन तक अनाधिकृत रूप से शाखा से अनुपस्थित हो गया बैंक के शाखा प्रबंधक ने 8-11-97, 11-11-97, 22-11-97, 4-12-97, 8-12-97, 18-12-97, 1-1-98, 29-1-98 व 12-2-98 के पत्रों द्वारा प्रार्थी को कार्य ग्रहण करने की सलाह दी परंतु प्रार्थी ने न तो कार्य ग्रहण किया व न ही उन्होंने अपने पत्रों में अनुपस्थिति का कोई संतोषजनक कारण प्रस्तुत किया। तत्पश्चात् द्विपक्षीय समझौते के पैरा नं. 17(ए) के प्रावधानों के अनुसार 18-4-98 को स्वैच्छिक रूप से सेवा के व्याग का नोटिस प्रार्थी को जारी किया गया जो 23-4-98 को उसे प्राप्त हो गया। इसके बावजूद प्रार्थी ने ड्यूटी पर रिपोर्ट नहीं की। अतः सक्षम प्राधिकारी द्वारा आदेश दि. 12-6-98 से प्रार्थी को स्वैच्छिक सेवानिवृति माना गया। विपक्षी बैंक का कहना है कि उक्त आदेश 12-6-98 पारित करते समय प्रार्थी के पूर्व रेकार्ड व आरोप पत्र दि. 17-5-95 पर भी मनन किया गया तथा उसकी सेवा करने की अनिच्छा को ध्यान में रखकर ही द्विपक्षीय समझौते के अंतर्गत सेवा पृथक् किया गया।

अप्रार्थी की ओर से श्री सतीशचंद्र शर्मा, सहायक प्रबंधक शाखा मनियां ने अपना शपथ-पत्र पेश किया है जिस पर प्रार्थी पक्ष द्वारा जिरह की गयी। अप्रार्थी द्वारा भी इस प्रकरण से संबंधित दस्तावेजात की प्रतियां पेश की गयी हैं।

4. प्रार्थी ने विपक्षी के जवाब के संदर्भ में अपना रिजिवाइंडर भी प्रस्तुत किया है। इस रिजिवाइंडर में बताया है कि उसे बैंक के नोटिस का जवाब दिया था व मांग की थी कि न्यूनतम् आधिक आवश्यकता अर्थात् मकान का किरायाखाने के लिए रोटी की राशि उसे दिलाई जावे ताकि वह ड्यूटी पर आ सके परंतु बैंक ने इस पर कोई कार्यवाही नहीं की। माह मार्च 97 की तनखावाह से उसकी अनुपस्थिति के दिन का बेतन नहीं काटा बल्कि अक्टूबर 97 के बेतन से मार्च 97 व अप्रैल 97 की कटौतियां एक साथ कर ली गयी जिस कारण कटौतियां उसके आधे बेतन से भी ज्यादा हो गयी। प्रार्थी को जीवन-निवाह के लिए कम से कम रु. 2589-80 पै. देय बनते हैं जबकि शाखा प्रबंधक ने केवल 1468-69 देकर उसे आधिक यातना देने का प्रयास किया है। प्रार्थी ने कारण बताओ नोटिस 18-4-98 का उत्तर 4-5-98 के द्वारा दिया था परंतु उस पर कोई विचार नहीं किया गया। इसी प्रकार 23-2-97, 3-11-97, 15-11-97, 15-12-97 के पत्र पर भी बैंक प्रशासन ने कोई विचार नहीं किया। प्रार्थी को शाखा प्रबंधक मनियां का पत्र 18-12-97 को मिला जिसमें लिखा गया था कि शाखा में उपस्थित नहीं हो रहा है। इसकी अनुपालनार्थ प्रार्थी 16-1-98 को शाखा मनियां में गया परंतु शाखा प्रबंधक ने कोई उचित आदेश उसे नहीं दिया। प्रार्थी 23-1-98 को बापस मनियां गया परन्तु इस दिन भी शाखा प्रबंधक अथवा सहायक प्रबंधक न तो स्वयं मिले और न ही उनका कोई आदेश ही मिला। इस प्रकार अप्रार्थी द्वारा प्रत्युत्तर में किये गये अभिकथन असन्य व वास्तविकता से परे हैं।

5. उभयपक्षों की बहस सुनी गयी, पत्रावली पर उपलब्ध पक्षकारान् के अभिकथनों तथा शपथ पत्रों द्वारा पेश की गयी साक्ष्य एवं प्रलेखों का ध्यानपूर्वक अध्ययन व विवेचन किया गया। इस विवाद के न्याय निर्णय हेतु सहायक विचार विन्दु निम्नानुसार निर्मित किये गये गये :—

1. आया विपक्षी बैंक द्वारा पांचवे द्विपक्षीय समझौते के अनुच्छेद 17 (ए) के प्रावधानों के अंतर्गत दि. 4-11-97 से बैंक की मनियां शाखा में अनुपस्थित रहने के कारण 18-4-98 को कारण बताओ नोटिस देकर दि. 12-6-98 से प्रार्थी को स्वैच्छिक सेवानिवृत्त करने का कृत्य वैधानिक रूप से औचित्य पूर्ण है अथवा नहीं ?

2. अनुतोष ?

6. प्रत्येक विन्दु पर क्रमवार हमारा निर्णय निम्नानुसार है :—

विन्दु संख्या 1:—पांचवे द्विपक्षीय समझौते के अनुच्छेद 17 (ए) के प्रावधानों में प्रक्रिया संबंधी मुख्य शर्तें निम्न प्रकार मानी जा सकती हैं :

(1) कर्मचारी 90 दिन अथवा अधिक समय तक बगैर आवेदन प्रस्तुत किये कार्य से अनुपस्थित हो गया हो।

- (2) अथवा इम बात की सतोषजनक साक्ष्य है कि कर्मचारी ने भारत में अन्यत्र नियोजन प्राप्त कर लिया हो एवं मैनेजमेट के समक्ष सतोषजनक कारण हो कि कर्मचारी अपनी ड्यूटी पर वापस आने के लिए बिल्कुल अनुच्छक है।
- (3) मैनेजमेट ऐसे कर्मचारी के अतिम ज्ञात पते पर नौटिस भेजेगा जिसके अन्तर्गत वह अभिलिखित करना आवश्यक होगा कि कर्मचारी के सेवा में उपस्थित होने के प्रति अनिच्छा को मानने के क्या-क्या आधार मैनेजमेट के समक्ष है तथा यदि इस सबध में कोई आवश्यक माध्य उपलब्ध हो तो ऐसी साक्ष्य को भी नौटिस के साथ भिजवाया जावे। नौटिस जारी होने के 30 दिन की अवधि कर्मचारी को ड्यूटी पर रिपोर्ट करने अथवा अपनी अनुपस्थिति का सतोषजनक स्पष्टीकरण देने का समय दिया जावेगा।
- (4) यदि नौटिस जारी होने की तीस दिन की अवधि में कर्मचारी ड्यूटी ज्वाइन नहीं करता है अथवा संतोषजनक कारण इस बाबत नहीं देता है कि उसने अन्यत्र कहीं नियोजन प्राप्त नहीं किया है अथवा उसकी ड्यूटी ज्वाइन करने के प्रति अनिच्छा नहीं है।
- (5) यदि कर्मचारी द्वारा सतोषजनक स्पष्टीकरण प्रस्तुत कर दिया जाता है तो उसे उक्त तीस दिवसों के नौटिस अवधि में ड्यूटी पर रिपोर्ट करने का अवमर्ग प्रदान कर दिया जावेगा लेकिन वैक द्वारा इस सबध में विधि अथवा सेवा नियमों के अन्तर्गत कार्यवाही किये जाने पर कोई प्रतिवध नहीं होगा।

अतः अब देखना यह है कि प्रार्थी 4-11-97 से बिना अवकाश स्वीकृत कराये अनाधिकृत रूप में वैक शाखा में अनुपस्थित हो जाने के बाद क्या उसके द्वारा अनुपस्थिति के सबध में कोई संतोषजनक स्पष्टीकरण पेश किया गया था अथवा नहीं ? यह भी देखा जाना उचित होगा कि वैक द्वारा 18-4-98 को जो स्वैच्छिक अनुपस्थिति का नौटिस भेजा गया था वह नौटिस पाचवे छिपक्षीय सेटलमेट के 17(ए) के अनुरूप था अथवा नहीं एवं इस नौटिस तिथि के तीस दिन के भीतर प्रार्थी ने कोई स्पष्टीकरण पेश किया था अथवा नहीं ?

अप्रार्थी के प्रन्युत्तर में किये गये अभिकथन से यह पाया जाता है कि दि. 3-11-97 को प्रार्थी राजकुमार ने अपने प्रबंधक मनिया को पत्र दिया जिसमें उनके अक्तूबर 97 के बेतन से आधे से ज्यादा कटौतिया कर लेने पर आपत्ति व्यक्त की साथ ही 3-11-97 को यह भी लिखा है कि इस प्रकार की कटौतिया करने पर वह शाखा प्रबंधक की जिम्मेदारी पर व्यावर जा रहे हैं। इस सदर्भ में वैक द्वारा यह बताया गया है कि प्रार्थी के अक्तूबर 97 के

बेतन से 13 दिन के बिना बेतन अवकाश की कटौती की गयी जिसमें मार्च 97 के साढे दस दिन व सितंबर 97 के पाच दिन के आधे बेतन अर्थात् ढाई दिन की बेतन कटौती की गयी। प्रार्थी 5-3-97 से 7-4-97 तक अवकाश पर चला गया था जबकि उसके अवकाश खाते में कोई बकाया नहीं था माह मार्च व अप्रैल के अनुपस्थिति को बेतन कटौतिया उसी समय की जानी जाहिए थी परन्तु प्रार्थी के बार-बार सौखिक रूप से अन्तर्गत करने पर उक्त बेतन कटौतिया नहीं की गयी बल्कि अक्तूबर 97 से 31 दिन के बजाय 1/3 अर्थात् मार्च के साढे दस दिन व सितंबर के ढाई दिन के कुल 13 दिन के बेतन की कटौती कर ली। इस प्रकार माह अक्तूबर में शुद्ध बेतन का भुगतान ₹. 1468.69 किया गया। दस्तावेज में अनुलग्नक 2 दि 3-11-97 को प्रार्थी को दिया हुआ पत्र है जिसमें उसने इम प्रकार की कटौतियों पर आपत्ति प्रकट की है व बताया है कि मात्र 1468.69 पैसे में उसने मनिया धौलपुर में रह कर जीवन-निवाह करना सभव है। अतः वह व्यावर जा रहा है साथ ही उसने बेतन से ज्यादा काटी राशि का ड्राफ्ट बनाकर उसे व्यावर भिजवाने का निवेदन भी किया है। प्रार्थी के इस पत्र का जवाब वैक ने अनुलग्नक 3 दि 8-11-97 को भेजा व बताया कि पचास प्रतिशत दिये गये होम सैलेरी का फार्मला अकैंतकिक अवकाशों पर लागू नहीं होता है। तदपरात वैक ने 11-11-97, 22-11-97, 4-12-97, 8-12-97, 18-12-97, 1-1-98, 29-1-98, 12-2-98 को पत्र जारी किये हैं जो क्रमशः अनुलग्नक 4 लगायत 11 है उक्त पत्रों में विपक्षी ने स्पष्ट किया है कि प्रार्थी अनाधिकृत रूप से अनुपस्थित है एवं यदि वह ड्यूटी ज्वाइन नहीं करता है तो उसके विरुद्ध अनुशासनिक कायंवाही अमल में लाई जा सकती है अक्तूबर 97 के बेतन में की गयी कटौतिया के सबध में भी वैक ने अपना पक्ष उक्त पत्रों के माध्यम से प्रार्थी को भेजा है।

प्रार्थी की ओर से वैक के पत्रों का प्रत्युत्तर भेजा गया है वह 14-11-97, 15-11-97, 15-12-97 तक का है उक्त पत्रों में प्रार्थी ने बारबार गलत रूप से की गयी बेतन कटौतियों का विवरण अकित किया है व साथ ही मार्ग की है कि आधे बेतन से अधिक की गयी कटौती का ड्राफ्ट बनाकर उसे व्यावर भिजवाया जावे ताकि वह शाखा में उपस्थित हो सके। इसके बाद 23-1-98 को प्रार्थी ने क्षेत्रीय प्रबंधक के भरतपुर कार्यालय में उपस्थित होकर एक आवेदन प्रस्तुत किया है। इस प्रतिवेदन में भी उसने शाखा प्रबंधक व सहायक प्रबंधक के विरुद्ध उसके द्वारा पूर्व में की गयी शिकायतों का हवाला दिया है। इसके साथ ही माह मार्च व अप्रैल 97 में अनुपस्थिति की बेतन कटौतियों को एक साथ अक्तूबर 97 के बेतन बिल से करने के विरुद्ध हुई शिकायत क्षेत्रीय प्रबंधक से की। इस प्रतिवेदन में यह भी लिखा है कि उसे बेतन का अतर भिजवाया जावे ताकि वह शाखा में उपस्थित हो सके। दि. 29-1-98 को प्रार्थी ने शाखा प्रबंधक मनिया को एक आवेदन प्रस्तुत किया जिसमें बताया कि 16-1-98 व 28-1-98 को उसने अपनी उपस्थिति

बैक में दी किन्तु शाखा प्रबंधक नहीं भिले व न ही उनका कोई दिशानिर्देश भिला। साथ ही उसने जीवन निर्वाह के लिए बकाया राशि की मांग भी की। इसके बाद 3-2-98 को प्रार्थी ने पुनः एक प्रार्थना पत्र शाखा प्रबंधक के समक्ष इसी आशय का पेश किया परन्तु उनके द्वारा लेने से मना करने पर क्षेत्रीय प्रबंधक व अंचल प्रबंधक को इसकी सूचना भजी। दि. 9-2-98 को भी इसी आशय का पत्र ध्यवाहार प्रार्थी के द्वारा किया गया। जिसकी सूचना भी उक्त दोनों वरिष्ठतम् अधिकारियों को भेजी।

प्रार्थी व अप्रार्थी के बीच इस पूरे पत्राचार से “कट्टो-वर्सी” इस तथ्य तक सीमित हो जाती है कि प्रार्थी के अक्तूबर 97 के बेतन से उसे आधे बेतन से कही ज्यादा कटौतियां कर ली गयी थीं जिसके विरुद्ध उसने 3-11-97 को शाखा प्रबंधक को बेतन का उक्त बकाया दिलाये जाने की मांग की तथा तत्पश्चात् 4-11-97 से भी वह अनुपस्थित हो गया। बैक द्वारा भेज गये पत्रों के प्रत्युत्तर में कटौतियों के संबंध में उल्लेख करते हुए ड्राफ्ट भिजवाने की मांग की व साथ ही लिखा कि जीवन निर्वाह के लिए उसे उक्त राशि भेजी जावे जिसके बाद वह शाखा में उपस्थित हो जावेगा। प्रार्थी 16-1-98 को 23-1-98 को 3-2-98 व 7-2-98 को मनियां शाखा में उपस्थित भी हुआ व उसने शाखा प्रबंधक व क्षेत्रीय प्रबंधक के समक्ष प्रार्थना पत्र भी प्रस्तुत किया परन्तु बेतन कटौती के संबंध में जो विरोधाभास था वह जसका तस ही रहा।

शाखा प्रबंधक के 12-2-98 के पत्र पर कार्यवाही करते हुए क्षेत्रीय प्रबंधक ने 10-3-98 में अनुलम्बक 22 पत्र भेजा जिसमें प्रार्थी का दिये जाने वाले नोटिस की प्रतियां संलग्न की। साथ ही यह निर्देश दिया कि पत्र में दिये गये तथ्यों की अपनी स्तर पर पुष्ट कर प्रार्थी को रजिस्टर्ड ए. डी. द्वारा नोटिस भेजा जावे इस पर शाखा प्रबंधक ने 18-4-98 को भी अनुलम्बक 12 द्वारा नोटिस भेजा जिसमें पूर्व के पत्र की तिथि अंकित करते हुए यह लिखा गया कि नोटिस प्राप्ति की तिथि से तीस दिन के अंदर अपनी अनुपस्थिति का स्पष्टीकरण दिये ग्रथवा अपनी उपस्थिति शाखा में देते। अन्यथा यही माना जावेगा कि प्रार्थी बैक सेवा करने का इच्छुक नहीं है। उक्त नोटिस के अवलोकन से यह स्पष्ट नहीं हो पाता है कि बैक द्वारा आवश्यक साथ जो उनके पास उपलब्ध थी व जिसके आधार पर बैक को यह मानने का आधार उपलब्ध हुआ था कि प्रार्थी अनाधिकृत रूप से अनुपस्थित होकर ड्यूटी ज्वार्ड करने का अनुच्छक है, भी नोटिस के साथ भिजवाये गये हो। इस नोटिस में इस बात का भी कोई उल्लेख नहीं है कि प्रार्थी द्वारा जो समय-समय पर पत्राचार किया गया एवं क्षेत्रीय प्रबंधक को प्रतिवेदन पेश किया गया व 16-1-98 28-1-98, 3-2-98 7-2-98 को मनियां शाखा

में उपस्थित होकर प्रार्थना पत्र दिये गये उन पर क्या कार्यवाही हुई तथा प्रार्थी द्वारा उठाये गये विद्वानों को बैक ने किन कारणों से स्वीकार योग्य नहीं पाया। क्षेत्रीय प्रबंधक ने 12-6-98 को अनुलम्बक 13 के द्वारा प्रार्थी को स्वेच्छा से नीकरी का न्याय कर देने का कारण अंकित करते हुए उसका नाम बैक स्कॉल से हटा दिया इस पत्र में लिखा है कि प्रार्थी ने नोटिस मिल जाने पर भी बैक शाखा में अपनी उपस्थिति नहीं दी तथा उसके द्वारा 4-5-98 को जो पत्र बैक को प्रेषित किया गया था में भी अनुपस्थिति का कोई स्पष्टीकरण नहीं दिया। दि. 4-5-98 को जो पत्र प्रार्थी ने शाखा प्रबंधक को प्रेषित किया था उसमें लिखा है कि “मैं तो सर्वथा बैक सेवा देने के लिए तत्पर रहा हूँ तथा तैयार हूँ” इसमें यह भी लिखा है कि मार्च 97 का अवैतनिक अवकाश द्विपक्षीय समझौते के प्रावधानों के विपरीत मान लिया गया है जबकि उसके खाते में अन्य प्रकार का अवकाश शेष था साथ ही प्रार्थी ने 4-11-97 से अनाधिकृत रूप से बैक में अनुपस्थिति को भी गलत बताया है तथा कहा है कि उसे जीवन निर्वाह राशि का भुगतान न कर उसे उसे बैक ड्यूटी से जाने के लिए शाखा प्रबंधक द्वारा विवश किया गया है। इस प्रकार नोटिस अवधि के तीस दिन की समयावधि में थी प्रार्थी ने बैक को पत्र प्रेषित किया है एवं उसमें जिन कारणों से वह अनुपस्थित चल रहा है उसका वर्णन पुनः किया है। साथ ही बैक को सेवा करने के प्रति तत्परता व तैयारी भी व्यक्त की है। इस प्रकार यह नहीं माना जा सकता कि प्रार्थी ने नोटिस का कोई जवाब ही नहीं दिया हो एवं बैक में सेवा करने के प्रति वह पूर्ण रूपेण अनुच्छक हो गया हो।

अक्तूबर 97 के बेतन बिल से ज्यादा कटौतियां कर लेने बैक कर्मचारी के लिए कार्य से अनुपस्थित हो जाने का समुचित कारण बनता है या नहीं। इस बाबत सेवा नियमों के तहत अनुशासनात्मक कार्यवाही अमल में लाई जाकर, बाद जांच ही किसी निष्कर्ष पर पहुंचा जा सकता था। विशेष तौर पर जबकि बैक ने 4-11-97 के बाद जितने भी पत्र प्रार्थी को दियाये उन सभी में इस बात का उल्लेख किया गया था कि वह अपनी ड्यूटी पर उपस्थित हो जावे अन्यथा उसके विरुद्ध अनुशासनात्मक कार्यवाही की जावेगी। यहां यह लिखना भी प्रासांगिक होगा कि इस अवधि के पूर्व में जब प्रार्थी अनुपस्थित हुआ था तब उसे 17-5-95 को बैक ने प्रदर्श एम-1 आरोप पत्र भी दिया था एवं जांच करने के बाद चेतावनी का दंड भी उसे दिया गया। अतः यदि अनुपस्थिति को दुराचरण मानकर प्रक्रिया अनुसार आरोप पत्र देते व जांच कर पूर्व में उचित माना गया था तो कोई कारण नहीं था कि 4-11-97 के पश्चात् भी अनुपस्थिति के संबंध में भी इस तरह की प्रक्रिया न अपनायी जावे।

माननीय सर्वोच्च न्यायालय ने 1993-II एवं एल एन 575 बी. के. यादव /जे एम ए इंडस्ट्री लि. के

अंतर्गत यह सिद्धांत प्रतिपादित किया है कि नैसर्गिक न्याय के सिद्धांतों की पूर्ण पालना आवश्यक रूप से की जावे एवं समुचित घरेलू जांच करने व अपचारी को मुनवायी का संपूर्ण अवसर दिये जाने के पश्चात ही उसकी सेवाये समाप्त की जा सकती है अन्यथा नहीं। इसी प्रकार 1982 (1) एल एल जे पृष्ठ 330 के अंतर्गत भी उपर्युक्त सिद्धांत का विवेचन किया गया है। हस्तगत मामले के तथ्यों में में यह स्पष्ट रूप से उजागर होता है कि पांचवें द्विपक्षीय समझौते के अनुच्छेद 17 (ए) की अक्षरणः पालना न तो जारी किये गये नोटिस के अंतर्गत की गयी प्रतीत होती है व न ही स्वैच्छिक सेवा त्याग का जो पत्र 12-6-98 का लिखा हुआ है उसके अंतर्गत मिलती है ऐसी दशा में स्वैच्छिक सेवा त्याग के आधार पर प्रार्थी को दि. 12-6-98 में सेवा मृत्त कर देने का आदेश को वैधानिक कसौटी पर मही नहीं माना जा सकता है तथा अवैध घोषित किया जाता है।

अतः बिंदु स. 1 का निर्णय प्रार्थी के पक्ष में उपर्युक्तानुसार किया जाता है।

आदेश

बिंदु संख्या—2-(अनुतोष) :— पांचवें द्विपक्षीय समझौते के अनुच्छेद 17(ए) के अंतर्गत बैंक प्रशासन द्वारा की गई कार्यवाही एवं प्रार्थी का स्वेच्छा सेवा त्याग मानकर जारी किया गया आदेश 12-6-98 अवैध व कानूनन शून्य घोषित किया जाता है। प्रार्थी को यह मौका दिया जाता है कि अवार्ड प्रकाशन के तीस दिन की अवधि में वह बैंक शाखा में अपनी उपस्थिति दे तथा दि. 4-11-97 से बैंक शाखा में अपनी अनुपस्थिति का समुचित व खुलासा स्पष्टीकरण दे। अप्रार्थी बैंक विधि एवं बैंक के सेवा नियमों के अंतर्गत प्रार्थी के विरुद्ध अनुशासनात्मक कार्यवाही एवं जांच करने के उपरांत न्यायसंगत कार्यवाही करे। अनुपस्थिति के संबंधन व अन्य लाभ दिलाए जाने के सबंध में भी जांच कार्यवाही पूर्ण करने के उपरांत अप्रार्थी बैंक अपना निर्णय ले।

राजेन्द्र मिह राठौर, न्यायाधीश

नई दिल्ली, 11 अप्रैल, 2002

का.आ. 1600 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 165/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-2002 को प्राप्त हुआ था।

[सं. एल-12011/149/2001-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 11th April, 2002

S.O. 1600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.

165/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 11-4-2002.

[No. L-12011/149/2001-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW
PRESENT :

Rudresh Kumar, Presiding Officer.
I.D. No. 165/2001

Ref. No: L-12011/149/2001-IR(B-II)
dated 20-10-2001

BETWEEN

The General Secretary, Allahabad Bank Empls. Unity Forum (U.P.), D-372, Shashtri Nagar, Meerut (U.P.)-250001.

AND

Allahabad Bank, The Regional Manager, Allahabad Bank, Regional Office, 55, the Mall Road, Meerut Cantt. Meerut (U.P.)-250001.

AWARD

By Order No. L-12011/149/2001/IR(B-II) dated 20-10-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, Allahabad Bank Empls. Unity Forum, Meerut and the Regional Manager, Allahabad Bank, Meerut for adjudication.

The reference under adjudication is as under :

“Whether the action of the management of Allahabad Bank not transferring Shri Siddharth Kumar, Special Assistant, Branch Office, Karnwal to Meerut on his request dated 16-7-1999 as per transfer policy is justified ? If not, what relief he is entitled to ?”

2. On receiving the reference, present industrial dispute case was registered on 5-11-2001 and notices were sent to the parties, fixing 11-12-2001. On the date fixed i.e. 11-12-2001, none of the parties appeared. Notices were sent again to both the parties but there was no response. On 18-1-2002 notices were sent by registered post to the parties, specifically mentioning in the notice to the workman that if he fail to file his claim statement, there would be no option but to close the case by ‘no claim award’. There was no response to the registered notices sent to the parties. Both the parties failed to appear on 25-2-2002. Again, notices were sent fixing 3-4-2002 but the parties did not respond.

3. Despite registered, notices sent to the workman no statement of claim is filed. Legal presumption may be drawn about service of notices.

4. It appears that the workman is not inclined to pursue his case and so, the case is required to be closed without adjudicating its merit.

5. Accordingly, 'no claim award'.

Lucknow,
8-4-2002.

RUDRESH KUMAR, Presiding Officer
नई दिल्ली, 11 अप्रैल, 2002

का.आ. 1601.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इण्डिया के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमन्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 14/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-2002 को प्राप्त हुआ था।

[स.एल-12011/75/87-डी-II(ए)]
सी. गगाधरण, अवर मन्त्रिव

New Delhi, the 11th April, 2002

S.O. 1601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/88) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 11-4-2002.

[No. L-12011/75/87-DII(A)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 14/88

Baldev Raj Sharma, House No. 262,
Gali Makhana Dhab, Khatikah,
Katra Bhai Sant Singh, Amritsar,
through legal heirs as applicant
died on 13-1-1993.

Applicant.

Versus

Regional Manager,
Central Bank of India,
Amritsar, Punjab.

Respondent.

APPEARANCES :

For the workman : Shri B. S. Gill.

For the management : Shri Shammi Kapilash.

AWARD

(Passed on 22-3-2002)

The Central Government vide notification No. L-12011/75/87-D.II(A) dated 17th February, 1988

has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India in discharging from service Shri Baldev Raj Sharma, Clerk, and also not paying him salary for the suspension period is justified. If not, to what relief is the workman entitled."

2. The applicant (since died) filed the claim statement inter-alia pleading that he joined the bank on 14-3-1970 and on promotion he was posted to Srinagar Branch. That the applicant was placed under suspension by the Branch Manager on 28-5-1983, though he was not empowered to do so. He was issued charge sheet dated 29-11-1984. No action was taken against the workman for over 16 months. The criminal case filed by the management failed in the Court and he was honourably acquitted. That the management did not comply with the provisions of Bipartite Settlement. The management also violated the Sastry Award para 505 in disrespecting the clear judgment of the Court and after that the management framed charge sheet after such inordinate delay. The enquiry conducted by Shri K. K. Sethi was also unfair, as proper opportunity for defence was not given, ex-parte enquiry was also conducted thus the enquiry was defective one; the findings of the enquiry officer was perverse. The hearing given by the disciplinary authority was a eye wash. The appeal of the workman was also dismissed by the appellate authority by a non-speaking orders. Thus the punishment of discharge imposed on the workman is illegal and arbitrary and also disproportionate to the alleged acts of misconduct. Thus he has prayed for his reinstatement in service with full back wages.

3. In written statement the management has pleaded that the applicant was transferred to Srinagar and he started misbehaving with the Branch Manager and other officials. He refused to obey the lawful orders of the management and did not perform the allotted duties. He entered in the cabin of the Branch Manager with trishul in his hand, created nuisance and commotion at the branch premises. The Branch Manager suspended the workman on 28-5-1983. The departmental action was deferred by the management under various bi-partite settlements and the bank did not have the only work of departmental enquiries against the workman and due to hierarchy of authorities who have to act and take decisions on matters, reasonable delay is bound to be there. It is denied by the management that the applicant was honourably acquitted by the Criminal Court. It is pleaded that there is no bar to hold departmental enquiry against any employee. The enquiry officer has conducted the enquiry fairly and the applicant was given full opportunity to defend himself. The documents were produced during the course of enquiry. On some dates the applicant was verbally informed by '.....' officer about the date of the enquiry '.....' enquiry officer was impartial he held the applicant guilty of misconduct. He was also given personal hearing and appellate authority also did not find merit with the contentions of the applicant and his appeal was rightly dismissed. The punishment imposed is commensurate to the charges and punishment is not rude or harsh. The management prayed that the reference be rejected and returned against the bank.

4. The management have also filed amended written statement. Preliminary objection has been taken that as the applicant had died, so the reference made by the Ministry become infructuous as the dispute no longer subsists and proceedings before this Tribunal have become redundant and he cannot be given any relief.

5. The applicant earlier filed his rejoinder reiterating the claim made in the claim statement. The Lrs of the deceased also filed replication to the amended written statement inter-alia pleading that the applicant died during the pendency of these proceedings, but the dispute still exists and the legal heirs of the deceased applicant are entitled to the relief as if the workman would have alive.

6. The applicant in evidence had filed his affidavit Ex. W1 and he had also been cross-examined by the management. He deposed that two enquiries had been conducted against him. He confirmed that Ex. M1 is the enquiry held against him for the charge sheet dated 29-11-1984. He also proved the documents Ex. W1/A to W6. In rebuttal the management examined Shri K. S. Gupta, Regional Manager of the Bank as MW1. He has filed his affidavit Ex. M6 in evidence. He has also proved the documents Exs. M7 to M23. He admitted that the subsistence allowance was paid as per rules on the date of discharge from service. He has stated that he was neither presenting officer nor enquiry officer in the case. He has admitted in the cross-examination that the applicant was suspended in May, 1983 and he was chargesheeted in 1984.

7. I have heard both the representatives of the parties and gone through the record and evidence of the case. The rep. of the workman has argued that the enquiry conducted against the workman is against the principle of natural justice and findings are perverse based on no evidence. The applicant was suspended by the authority who was not competent to do so, the workman was not even paid subsistence allowance during the period of suspension. The charge sheet was served upon the workman after about 16 months which itself is a ground for vitiating the enquiry held against the workman. The applicant was acquitted by the Criminal Court and thereafter the enquiry was conducted against him on the same charges which were not proved during the criminal trial and on the basis of the enquiry report the punishment of discharge from service was imposed upon the workman. The punishment was imposed by the management without any basis and it is victimisation and the applicant is entitled for all the benefits of reinstatement and wages.

8. On the other hand the representative of the management has argued that the applicant was rightly suspended for the grave misconduct i.e. for using indecent language to the branch manager and in the night abusing the branch manager. The enquiry was conducted fairly and properly ; the applicant was given ample opportunity to defend himself in the enquiry proceedings. The punishment imposed is proportionate to the misconduct committed by the workman ; the management have every right to initiate departmental proceedings even if the applicant be acquitted, it is not a bar to continue with the departmental enquiry by the management. It is also plead-

ed that suspension can be ordered by the authority junior to the appointing authority. It is also argued that no prejudice has been caused to the applicant if the management has not served the charge sheet to the applicant for about 16 months. The rep. of the management has placed reliance on the following authorities :

1. 1996 Domestic Enquiries Law Journal page 11 C. M. Mishra Vs. District Inspector of Schools.
2. 1997 (11) Supreme Court Cases 361 Govind Dass Vs. State of Bihar and Others.
3. 1996 (4) S.L.R. 476, M. A. Kalami Vs. Registrar.
4. 1999 (1) S.L.R. 166 Rajinder Kumar Vs. FCI.
5. 1999 (6) S.L.R. Jai Ram Vs. Union of India.

9. I have carefully gone through the above authorities cited by the management and have also considered the oral submission made by the rep. of the parties. It is not denied by the management that the enquiry was closed by the Enquiry Officer on 20-8-85 when the evidence of the management was over. The rep. of the workman in the enquiry wanted to confront the witnesses from the judgement passed by the Criminal Court acquitting the workman for the same charges which were levelled by the management in the charge sheet. The main charge against the applicant was that he attacked the branch manager with Trishul and used abusive language in the branch premises. The applicant was put to trial in the criminal court and he was acquitted by the criminal court. The management initiated the departmental enquiry on the same charges ignoring completely the Para 505 of the Sastry Award which is binding on the management in which it has been held that a verdict of acquittal passed by a competent court of law should not be lightly thrown aside by the bank management in trying to institute departmental enquiries after the acquittal as it would amount to a double trial in respect of the same offence and the decisions of the court are entitled to the highest respect and the managements should reinstate an employee who is honourably acquitted. I have also carefully examined the entire enquiry proceedings. The workman was not given any opportunity to defend during the enquiry. The enquiry officer on 20-8-1985 abruptly closed the enquiry proceedings despite the requests made by the representative of the workman that due to lengthly proceedings he could not prepare his defence and the sought time to produce his defence. This is clear denial of justice to the workman and against the principle of natural justice. It appears from the enquiry proceedings that the management was bent upon to prove the charges during the enquiry without giving sufficient and reasonable opportunity to the applicant during the enquiry proceedings. It is also clear from the judgement of the Criminal Court that the manager was biased and inimical towards the applicant and for this personal reason the applicant was put to such a hardship. There was no authority with the branch manager to suspend the workman nor it was regularised later on. During the criminal trial except the branch manager none has supported the case against the applicant in their deposition in the Crimi-

nal Court. The authorities cited by the management rather supported the case of the workman as none of the authorities suggest that where the workman was not given the opportunity of defence, the enquiry proceedings must be vitiated as against the principle of natural justice.

10. It is admitted position that workman died during the proceedings in this Tribunal in the year 1993. The management in their written statement has also not pleaded that in case the Tribunal comes to the conclusion that enquiry is not fair and proper, the management be given the opportunity to prove the charges in the Tribunal itself. Considering all the aspects I hold that enquiry has been conducted in the biased manner and reasonable opportunity defence has not been provided to the workman in the enquiry which is against the principle of natural justice and resultantly the enquiry conducted against the applicant is vitiated. Since the applicant died during the trial in the Tribunal in the year 1993, his Lr's are entitled for all the benefits of his reinstatement with continuity of service till the date of his death including back wages and all other benefits alongwith interests on the back wages @ 12 per cent per annum from the date it become due. The cost of the proceedings is assessed Rs. 3000 to be paid by the management to the Lrs of the deceased. Reference is answered accordingly. Central Government be informed.

Chandigarh,
22-3-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 11 अप्रैल, 2002

का.आ. 1602.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधेतां के संबंध नियोजकों और उनके कमकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 52/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-02 को प्राप्त हुआ था।

[मं.एल-12011/34/99-आई.आर. (बी-II)]
सी. गंगाधरन, अवर सचिव

New Delhi, the 11th April, 2002

S.O. 1602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 11-4-2002.

[No. L-12011/34/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

आदेश संख्या :—एल-12011/34/99/आई.आर. (बी-II)

16-8-99

प्रकरण संख्या :—सी. जी. आई.टी. /जे-52/99

प्रान्तीय सचिव, यूको बैंक एम्प्लाईज एसोसिएशन,
यूको बैंक (भूतल) पांचबत्ती, जयपुर।

.....प्रार्थी एसोसिएशन

बनाम

1. यूको बैंक, भूतल अंचल प्रबन्धक,
अंचल कार्यालय ए-30, बी शास्त्रीनगर, जयपुर।
2. श्री सुभाष चन्द्र शर्मा, लिपिक (वर्तमान में सी.टी.ओ.)
यूको बैंक, जौहरी बाजार, जयपुर।

.....अप्रार्थी

उपस्थित :—

प्रार्थी एसोसिएशन की ओर से श्री एस. सी. कुलश्रेष्ठ उपस्थित।
अप्रार्थी की ओर से श्री सुरेन्द्र सिंह उपस्थित।
पंचाट दिनांक

1-3-2002

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम कहा गया है) की धारा 10 की उपधारा (1) के खण्ड-घ के प्रावधानों के अन्तर्गत न्यायनिर्णय हेतु निर्देशित किया गया :—

"Whether the action of the management of UCO Bank is justified in issuing the selection letter in violation of the Sec. 33 of ID Act during the pendency of conciliation proceedings on 13-8-97 before the conciliation officer, without obtaining prior permission under Section 33 of the ID Act as the matter was connected with the dispute, pending before the conciliation officer ? If, not, what relief the workman/Union is entitled and from what date ?"

यूको बैंक एम्प्लाईज एसोसिएशन (जिसे बाद में एसोसिएशन कहा गया है) के प्रान्तीय सचिव के द्वारा यह उल्लेख करते हुए क्लेम (संशोधित) प्रस्तुत किया गया कि एसोसिएशन एक रजिस्टर्ड संस्था है जिसकी रजिस्ट्रेशन संख्या 795 है जो राजस्थान प्रान्त में यूको बैंक (जिसे बाद में बैंक कहा गया है) की विभिन्न शाखाओं में कार्यरत तृतीय व चूर्चा श्रेणी कर्मचारियों का प्रतिबिधित्व करती है। व एसोसिएशन की ओर इष्टियां बॉडी व अन्य संघठनों के मध्य दिनांक 13-4-88 को पदोन्नति नीति समझौता सम्बन्ध हुआ जो कि बैंक के अवार्द्ध समस्त कर्मचारियों पर लागू है। पदोन्नति नीति समझौता, 1988 के अनुसार विशेष भूतों प्राप्ति फॉर्म पर चबन करने का एकमात्र आधार वरिष्ठता ही है। बैंक द्वारा सी.टी.ओ. पद पर पदोन्नति हेतु

कर्मचारियों से आवेदन मांगे जाने वाले जारी अधिसूचना दिनांक 21-7-97 में उल्लेखित शर्त संख्या 2.1 व 2.3 लागू पदोन्नति नीति समझौता के विरुद्ध है। सुभाष चन्द्र शर्मा को सी.टी.ओ. पद पर चयन के समय ए.एल.पी.एम.ओ. पद पर अप्रार्थी बैंक द्वारा स्थाई नहीं किया गया था, क्योंकि सुभाष चन्द्र शर्मा ने उक्त पद पर दिनांक 16-8-97 को ही ज्वाइन किया था। बैंक द्वारा लागू पदोन्नति नीति समझौता, 1988 का उल्लंघन कर एक यूनियन विशेष को फायदा पहुंचाने एवं प्रार्थी सदस्य को पदोन्नति से वंचित रखने के प्रयासों का लिखित में दिनांक 7-8-97 के पत्र द्वारा विरोध किया गया था जिसमें समझौता, 1988 में वर्णित वरिष्ठता के आधार को मानने की मांग रखी गई थी जिस पर बैंक ने गौर नहीं किया, जिस पर सहायक श्रम आयुक्त केन्द्रीय, जयपुर के समक्ष पत्र दिनांक 13-8-97 को शिकायत प्रस्तुत की गई। शिकायत पर समझौता वार्ता हेतु पहली तारीख 14-8-97 नियत की गई। अप्रार्थी बैंक द्वारा दिनांक 14-8-97 को ही सुभाष चन्द्र शर्मा को जौहरी बाजार शाखा से एन.ई.आई. शाखा के लिए ए.एल.पी.एम.ओ. पद पर कार्य करने हेतु कार्यमुक्त किया गया था जबकि अप्रार्थी द्वारा सुभाष चन्द्र शर्मा का उक्त पद पर चयन 2 वर्ष पूर्व पत्र दिनांक 12-9-95 द्वारा किया गया था। उक्त प्रकरण में समझौता वार्ता लम्बित रहने के दौरान अप्रार्थी ने समझौता, 1988 का जानबूझकर मनमाने ढंग से अनुचित श्रम व्यवहार अपनाते हुए सुभाष चन्द्र शर्मा जो सुधीर मिगलानी से कनिष्ठ कर्मचारी था, का चयन सी.टी.ओ. के पद पर जौहरी बाजार शाखा में पत्र दिनांक 6-9-97 द्वारा किया गया। अप्रार्थी द्वारा उक्त कार्यवाही अधिनियम की धारा 33 का उल्लंघन होने के कारण अधिनियम की धारा 29 एवं 31 के अन्तर्गत दण्डनीय है। प्रार्थना की गई कि बैंक के संबंधित अधिकारियों को अधिनियम की धारा 33 का जानबूझकर उल्लंघन करने के लिए समुचित दण्ड दिया जाए। सुभाष चन्द्र शर्मा के स्थान पर सुधीर मिगलानी वरिष्ठ कर्मचारी सी.टी.ओ. के पद पर सितम्बर, 97 से पदोन्नति दिलाई जाए। श्री मिगलानी को सितम्बर, 97 से सी.टी.ओ. के पद का दायित्व विशेष भत्ता परिलाभ दिलाया जाए। बैंक द्वारा सुभाष चन्द्र शर्मा को अनुचित लाभ पहुंचाने हेतु विना कार्य किए 10,468 रुपए 60 पैसे का एकमुक्त भुगतान राशि वापिस ली जाए।

अप्रार्थिगण द्वारा जवाब में स्वीकार किया गया कि बैंक व एसोसिएशन की ऑल इण्डिया बॉडी एवं अन्य संगठनों के बीच दिनांक 13-6-88 को पदोन्नति नीति समझौता सम्पन्न हुआ था। यह भी उल्लेख किया गया कि कम्प्यूटर नीति समझौता सन् 1993 में सम्पन्न हुआ। कम्प्यूटर नीति समझौता के प्रावधानों के अनुसार उपयुक्त पाए जाने पर कम्प्यूटर ऑपरेटर पद का भत्ता दिया जाता है। सुधीर मिगलानी ए.एल.पी.एम. के पद पर पदस्थापित नहीं था। सुभाष चन्द्र शर्मा सामान्य कर्क जौहरी बाजार शाखा का चयन ए.एल.पी.एम. ऑपरेटर के पद पर एन.ई.आई. शाखा में बैंक के आदेश दिनांक 12-9-95 के द्वारा किया

गया था। जौहरी बाजार शाखा से सुभाष चन्द्र शर्मा को बैंक हित में कार्यमुक्त नहीं किया गया। एन.ई.आई. शाखा से सुभाष चन्द्र शर्मा के स्थान पर अन्य कर्मचारी जे आर. जाखड़ को जौहरी बाजार शाखा में स्थानान्तरण पर पदस्थापित किया गया। सुभाष चन्द्र शर्मा ने बैंक की जौहरी बाजार शाखा में कम्प्यूटर पर कार्य एवं इसके अतिरिक्त ए.एल.पी.एम. ऑपरेटर का कार्य किया। सुभाष चन्द्र शर्मा, सी.टी.ओ. के पद पर पदोन्नति के लिए पाव था। बैंक ने पदोन्नति समझौता, 1988 एवं कम्प्यूटर नीति समझौता, 1993 के प्रावधानों का उल्लंघन नहीं किया। अधिसूचना दिनांक 21-7-97 पूर्णतया विधिवत् है। अधिसूचना की शर्त संख्या 2.1 समझौता 1988 की पालिसी में सम्मिलित नहीं थी क्योंकि उसमें ए.एल.पी.एम. ऑपरेटर के पद का नाम अस्तित्व में नहीं था। शर्त संख्या 2.3 समझौता, 1988 की पालिसी के अनुसार है। बैंक ने अधिनियम की धारा 33 का कोई उल्लंघन नहीं किया।

एसोसिएशन की ओर से क्लेम के समर्थन में रामगोपाल गुप्ता प्रान्तीय अध्यक्ष का शपथ पत्र प्रस्तुत किया। गशा जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थीगण के अधिवक्ता को दिया गया। अप्रार्थीगण की ओर से के.के. मोदी-बैंक के पूर्व उपमुख्य अधिकारी का शपथ पत्र प्रस्तुत किया गया जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के प्रतिनिधि को दिया गया। दोनों ही पक्षों को थोर से इसके अतिरिक्त दस्तावेजी साक्ष्य प्रस्तुत की गई, जिसका उल्लेख्यवास्थान किया जाएगा।

बहस मुनी गई एवं पत्रावलोकन किया गया।

निर्देश आदेश के अनुसार यह विवार करना है कि सुभाष चन्द्र शर्मा का सी.टी.ओ. के पद पर चयन दिनांक 13-8-97 को यूको बैंक एसोसिएशन व बैंक के बीच समझौता वार्ता की कार्यवाही समझौता अधिकारी के समक्ष विचाराधीन होते हुए अधिनियम की धारा 33 का उल्लंघन करने हुए किया गया।

इस बारे में अधिसूचना दिनांक 21-7-97 प्रदर्श-8 जो कि सी.टी.ओ. के पद पर चयन हेतु जारी की गई का खण्ड-1, 2 व 2.1 निम्न प्रकार है:—

- (1) In terms of Memorandum of Settlement dated 29-10-93 between IBA, AIBEA, NCBE and INBEF on Computerisation, circulated with H.O. Circular No. CHO[PAS] 1/94 dated 18-1-94, and the subsequent instructions/clarification received from Head Office in that regard, vacancies in the post of Computer Terminal Operators (hereinafter shall be referred as CTO) have arisen in Johari Bazar Jaipur Branch. We hereby notify the following vacancies of CTOs, in terms of the relevant rules, for being up filled amongst the clerical staff posted at Jaipur Centre.

(2) The eligibility criteria for selection to the said post shall be as follows :—

2.1 Existing permanent ALPM Operators in the Jaipur Center shall have preference for selection to the post of CTOs.

यह विवादित नहीं है कि उक्त अधिसूचना जारी होने के पश्चात् सुभाष चन्द्र शर्मा का चयन दिनांक 6-9-97 को सी.टी.ओ. के पद पर पत्र दिनांक 6-9-97 प्रदर्श-4 के द्वारा किया गया। एसोसिएशन के प्रान्तीय अध्यक्ष रामगोपाल गुप्ता ने स्वीकार किया है कि प्रार्थी एसोसिएशन व अथ एसोसिएशन आई.बी.ए. के मध्य औद्योगिक स्तर पर एक कम्प्यूटर नीति समझौता दिनांक 29-10-93 को सम्पन्न हुआ तथा उक्त समझौता भी समस्त कर्मचारियों पर समान रूप से लागू है। समझौता दिनांक 29-10-93 के संदर्भ में बैंक के प्रधान कार्यालय द्वारा जारी परिपत्र दिनांक 18-1-94 में भी विशेष भूतों पर चयन हेतु बैंक द्वारा पहले से ही लागू पदोन्नति नीति समझौता दिनांक 13-4-88 का ही पालन किए जाने का उल्लेख है। जापन समझौता दिनांक 29-10-93 में वर्णित प्रावधान का सुसंगत भाग निम्न प्रकार है :—

2.1 “For positions carrying computer related allowance selection will be made from amongst the clerical cadres staff as per the existing or future policy/settlements in our bank which shall include passing of an aptitude test. The management will provide training facilities as deemed necessary.”

अधिनियम की धारा 33 की उपधारा 1 के खण्डक का उल्लंघन एसोसिएशन द्वारा बताया जाता है जो निम्न प्रकार है :—

33. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings.—(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before [an arbitrator or] a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,—

(a) in regard to any matter connected with the dispute, alter to conditions of service applicable to them immediately before the commencement of such proceedings; or

अधिनियम की धारा 33 की उपधारा (1) के अनुसार यह विचार करना है कि वया एसोसिएशन के द्वारा उठाए गए विवाद से संबंधित विषय के बारे में कर्मकारों की शर्तों को जो ऐसी कार्यवाही के प्रारम्भ से ठीक पहले कर्मकारों पर लागू थी को बिना समझौता अधिकारी की अनुमति के उनके हितों के विरुद्ध परिवर्तित किया गया। दिनांक 13-8-97 को एसोसिएशन के द्वारा समझौता अधिकारी के समक्ष जो प्रार्थना पत्र प्रदर्श एम-6 प्रस्तुत किया गया में निम्न उल्लेख किया गया है :—

1 यह कि बैंक में लिपिक सर्वगं के अन्तर्गत एवं उच्च पदों (अधिकारी पद पर) पदोन्नति हेतु हमारे आगे इग्नियम

संगठन व बैंक प्रबंधन के मध्य पदोन्नति नीति एग्रीमेन्ट दिनांक 13 अप्रैल, 1988 को सम्पन्न हुआ है। जो आज तक लागू है।

2. यह कि उक्त पदोन्नति नीति के पैरा 5.6.1 में स्पष्ट उल्लेख है कि लिपिक वर्ग में सभी तरह के मशीन ऑपरेटर पद पर पदोन्नति लिपिक वर्ग की वरिष्ठता के आधार पर ही की जायगी। पदोन्नति नीति के संबंधित पैरा की फोटो प्रति आपकी जानकारी हेतु संलग्न है।

“(1) यह कि हाल ही में बैंक प्रबंधन ने संदर्भधीन परिपत्र (सं. जे.डै.स.एफ./कैम/697/2003 दिनांक 21-7-97) जारी किया है जिसके द्वारा कम्प्यूटर ऑपरेटर पद पर पदोन्नति हेतु कर्मचारियों से आवेदन मांगे गये हैं।

(2) यह कि बैंक के उक्त परिपत्र का पैरा 2.3 पदोन्नति नीति का सरासर उल्लंघन है। बैंक अब तक सभी पदों पर (सभी तरह की मशीन ऑपरेटर सहित) पदोन्नति नीति में उल्लेखित प्रावधानों के अनुसार ही पूर्णतया वरिष्ठता के आधार पर करता आ रहा है।

(3) यह कि अब बैंक प्रबंधन पदोन्नति नीति का एवं अब तक लम्बे समय से जारी प्रैविट्स का उल्लंघन कर वरिष्ठ कर्मचारियों की वरिष्ठता को नजर-अन्दाज करते हुय मनमाने तरीके से कम्प्यूटर ऑपरेटर के पद पर पदोन्नति करना चाहता है।

(4) यह कि एसोसिएशन ने स्थानीय प्रबंधन की इस मनमानी पूर्ण कार्यवाही के विरोध में डेपुटेशन में मिलकर एवं पत्र द्वारा मांग की है कि कम्प्यूटर पद पर प्रस्तावित पदोन्नति, पदोन्नति नीति 1988 के प्रावधानों के अनुसार वरिष्ठता के आधार पर ही की जाये। किन्तु बैंक की हठधूमिता एवं कर्मचारी विरोधी रवैया जारी है जिससे आम कर्मचारियों में भयंकर रोष व्याप्त है। एसोसिएशन के पत्र दिनांक 7-8-97 की फोटो प्रति आपकी जानकारी हेतु संलग्न है।

(5) यह कि बैंक की यह मनमानी पूर्ण एवं एक तरफा कार्यवाही न केवल औद्योगिक विवाद अधिनियम 1947 के सेक्षण 9-ए का उल्लंघन है बल्कि अधिनियम के सेक्षण 25 टी, 25 यू के तहत अनुसूची 5 में वर्णित अनुचित श्रमिक विधियों की संज्ञा में आता है।

(6) यह कि बैंक की इस पदोन्नति नीति 1988 के उल्लंघन में की जा रही एक तरफा कार्यवाही से कर्मचारियों में भयंकर रोष व्याप्त है जो कभी भी विस्फोटक रूप धारण कर सकता है। जिससे संस्था में औद्योगिक अशान्ति उत्पन्न हो सकती है। अतः श्रीमान जी से निवेदन है कि उक्त मसले को कल्पोलियेशन में लेकर यूको बैंक प्रबंधन को निर्देश देने की कृपा करे कि उक्त

परिपत्र के तहन कम्प्यूटर आपरेटर के पद पर प्रस्तावित पदोन्नति, पदोन्नति नीति के अनुरूप पूर्णतया वरिष्ठता के आधार पर ही किया जाये।”

एस.डी.

आर.जी.गुप्ता

प्रार्थी के विद्वान प्रतिनिधि का तर्क है कि अधिसूचना दिनांक 21-7-97 की शर्त संदर्भ 2.1 समझौता ज्ञापन परिपत्र 1988 का उल्लंघन करती है, जिसमें कि लिपिकीय वर्ग से विशेष भत्ता के पदों पर चयन का आधार वरिष्ठता है। समझौता ज्ञापन दिनांक 29-10-93 में ही यह प्रावधान है कि स्थाई ए.एल.पी.एम., कम्प्यूटर आपरेटर के पद पर चयन हेतु वरियता के अधिकारी होगे। इस बारे में कोई विवाद नहीं है कि ए.एल.पी.एम. के पद पर चयन का आधार वरिष्ठता है। इस प्रकार उक्त शर्त ज्ञापन समझौता दिनांक 29-10-93 का उल्लंघन नहीं करती। प्रार्थी के विद्वान प्रतिनिधि के द्वारा तर्क दिया गया है कि ज्ञापन समझौता दिनांक 29-10-93 उद्योगों पर आधारित था। इस बारे में यह उल्लेख करना पर्याप्त होगा कि एसोसिएशन के प्रान्तीय अधिकारी ने स्वोकार किया है कि कम्प्यूटर नीति समझौता दिनांक 29-10-93 समस्त कर्मचारियों पर समान रूप से लागू है। समझौता ज्ञापन 1988 के साथ-साथ समझौता ज्ञापन दिनांक 29-10-93 की भी कम्प्यूटर आपरेटर के पद पर चयन हेतु बैंक को पालना करनी थी व इस प्रकार अधिसूचना दिनांक 29-10-97 प्रदर्श-8 की शर्त संदर्भ 2.1 कम्प्यूटर आपरेटर के पद पर चयन हेतु कर्मचारियों पर समझौता अधिकारी के समक्ष विवाद उठाने से पूर्व की शर्तों को उनके हितों के विश्वद परिवर्तित नहीं करती। अतः अधिनियम की धारा 33 के प्रावधान आकृष्ट नहीं होते। यथापि एक अत्य प्रकरण सी.आई.टी. बी-48/98 में सुभाष चन्द्र शर्मा का सी.टी.ओ. के पद पर चयन इस आधार पर अनुचित पाला गया कि उसके चयन में पदोन्नति समझौता, 1988 एवं कम्प्यूटर नीति समझौता, 1993 का उल्लंघन किया गया परन्तु उसका चयन अनुचित होने के आधार पर यह निष्कर्ष नहीं निकाला जा सकता कि अधिसूचना दिनांक 21-7-97 की शर्त संदर्भ 2.1 के द्वारा सी.टी.ओ. के पद पर चयन हेतु एसोसिएशन की ओर से विवाद उठाने से पूर्व कर्मकारों पर लागू सेवा की शर्तों को उनके हितों के विश्वद परिवर्तित किया गया।

इस प्रकार बैंक के द्वारा सुभाष चन्द्र शर्मा का सी.टी.ओ. के पद पर चयन बैंक के द्वारा किए जाने से अधिनियम की धारा 33 का उल्लंघन किया जाना प्रमाणित नहीं होता व एसोसिएशन व उसके कर्मकार कोई सहायता प्राप्त करने के अधिकारी नहीं है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम की धारा 17 की उपधारा (1) के प्रावधानों के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

हृ. / -

पीठामीन अधिकारी

नई दिल्ली, 15 अप्रैल, 2002

का.आ. 1603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आन्ध्रा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/अम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 23/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2002 को प्राप्त हुआ था।

[सं.एल.-12025/8(iii)/2002-आई.आर.(बी.-II)]

सी.गंगाधरन, अवर सचिव

New Delhi, the 15th April, 2002

S.O. 1603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 23/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 12-4-2002.

[No. L-12025/8(iii)/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer.

Dated, 27th March, 2002

Industrial Dispute L.C.I.D. No. 23/2001

BETWEEN

Sri E. Ramanjaneya Reddy,
S/o Balaveera Reddy,
R. Thummalapalli (post),
Pulivendla Mandal,
Cuddapah District

.Petitioner.

AND

1. The Managing Director,
Andhra Bank, Central Office.
Andhra Bank Buildings.
Sultan Bazar,
Hyderabad.
2. The Branch Manager,
Pulivendla Branch,
Pulivendla,
Cuddapah District, . . . Respondents

APPEARANCES :

For the Petitioner : Mr. B. G. Ravindra Reddy.

For the Respondent : M/s. Udayachala Rao.

AWARD

This is a case taken under Section 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1-995 between Mr. U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief averments as stated in the petition are : That the petitioner was appointed as temporary Attender in the respondent bank w.e.f. 9-6-87. Since then the petitioner has been working without any complaint and to the utmost satisfaction of his superiors.

3. The petitioner was not allowed to join duty on 30th September, 2000 and the termination order is violative of Section 25 of the I.D. Act, 1947. And therefore void ab initio. He has also not been given pay in lieu of notice. Hence, it is prayed that the respondent be directed to reinstate the petitioner into service with full back wages, continuity of service and all other attendant benefits.

4. A counter was filed. In the counter, various stands were taken and it is further stated that a settlement dated 9-1-95 was also entered into by the bank with a recognized union before ALC(C) during the course of conciliation proceedings. Accordingly, a panel list of temporary employer was prepared. The said settlement is binding on the petitioner also. The petitioner is in the panel of temporary sub-staff of Cuddapah District at Serial Number 4. That the services of the petitioner may be utilized in leave/casual vacancies as and when they runs on rotation basis along with the other candidates in the panel. He will be absorbed into bank's regular service as and when permanent vacancy arises. Appointment is for a definite period. Hence, he cannot have any preferences claimed over others.

5. The petitioner examined himself as WW1 and deposed to the said facts stated in the claim petition. He marked his representation Ex. W1 dated 25-3-2001. He worked for more than 240 days during November, 1995 to 30th September, 1996. Ex. W2 is the service certificate. Similarly, Ex. W3 is another service certificate. Ex. W4 is the call letter issued by the bank. He appeared for the interview and thereafter Respondent prepared a panel in which is Ex. W5. His name stands at Serial Number 4. His juniors at Serial Numbers 5 and 6 are given appointment. Hence, he may be given reinstatement with full back wages. In the cross-examination he deposed that Ex. W2 and Ex. W3 are periods of leave vacancies of regular employees. That he knows the contents of Ex. M1 and Ex. M2. He denies that he is deposing falsely.

6. Sri B. Prasada Rao, Law Officer of the respondent examined himself and deposed that petitioner was not over-looked. Ex. M2 is the circular issued by the respondent on 18-10-91 regarding employment of casual workers. There is no violation of any rules or circular or agreement in the case of the petitioner has been already issued appointment order by virtue of seniority acquired during the pendency of the case, vide Ex. M3. Therefore, the petitioner has no case and he is not entitled for any relief claimed for.

7. It is argued by the Learned Counsel for the petitioner that but for his approaching the Court, Ex. M3 would not have seen the light of the day. Even otherwise he is entitled for reinstatement from 30th September, 2000 and also the back wages, continuity of service and all attendant benefits. Therefore, he pray, that the petition may be allowed as prayed for.

8. It is argued by the Learned Counsel for the respondent that the conciliation proceedings held before ALC(C) and Ex. M1 agreement was reached and Ex. M2 circular was issued and in fact when the petition became senior during the pendency of the case the bank did not hold any grudge against him in having approached the Hon'ble Court but issued order of appointment vide Ex. M3. Hence, the case may be dismissed. The petitioner has also not filed any document to show that his juniors were appointed.

9. It may be seen that there were conciliation proceedings before ALC(C), and Ex. M1 agreement was reached and circular to that effect was passed Ex. M2. The panel is Ex. W5 where the petitioner is shown at Serial Number 4. Accordingly, when his turn came he was given appointment vide Ex. M3. He is given a permanent appointment in the subordinate staff cadre in a permanent scale and the basic pay starts from Rs. 2,750 to Rs. 5,000. The petitioner has not chosen to join till today. I am of the opinion that the bank has given him, appointment as per his seniority in Ex. W5 vide Ex. M3 appointment order. Therefore, the petitioner is not entitled for any other relief having already secured a regular appointment. In the result, an award is passed and pronounced in Open Court that the petitioner is not entitled for any relief having already secured permanent appointment by virtue of Ex. M3. However, he shall join the bank on or before 1st May, 2001 (F.N.) and the bank shall permit him to join if he reports on or before 1-5-2002 (F.N.).

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 27th day of March, 2002.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witness examined for the Petitioner :

WW1 : Sri E. Ramanjaneya Reddy.

Witness examined for the Respondent :

MW1 : Sri B. Prasada Rao.

Documents marked for the Petitioner :

Ex. W1 : Representation of WW1 dated 25th March, 2001.

Ex. W2 : Copy of service certificate dated 9th December, 2000.

Ex. W3 : Copy of service certificate dated 10th October, 2000.

Ex. W4 : Copy of Lr. No. 670 3/SG-10/3360 dt. 19-9-1999.

Ex. W5 : Copy of Cir Lr. No. 670/3/SG-64/4943 dated 1-3-1996.

Documents marked for the Respondent :

Ex. M1 : Copy of Memorandum of Settlement dated Nil.

Ex. M2 : Copy of Circular No. 310 dated 18th October, 1991.

Ex. M3 : Copy of Ir. No. 666/3/A3/308 dated 14-2-2002.

नई दिल्ली, 12 अप्रैल, 2002

का.आ. 1604.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 29/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2002 को प्राप्त हुआ था।

[सं.एल.-17012/9/2000-आई.आर. (बी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1604.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 12-4-2002.

[No. L-17012/9/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

अनुबन्ध

केन्द्रीय सरकार आद्योगिक अधिकरण एवं श्रम न्यायालय जयपुर अदेश संख्या:—एल-17012/9/2000/आई.आर./बी-II/
दिनांक 30-3-2001

प्रकरण संख्या:—सी.जी.आई.टी./29/2001

राजेन्द्र कुमार बारी पुत्र श्री माधवन लाल बारी
निवासी-नवलगढ़ रोड, वार्ड नं. 42,
सीकर (राजस्थान)

—प्रार्थी

बनाम

शाखा प्रबन्धक,
भारतीय जीवन बीमा निगम,
कलकिट्टपट के पाले,
सीकर (राजस्थान)

—प्रार्थी

उपस्थित:—

प्रार्थी की ओर से
अप्रार्थी की ओर से
पंचाट दिनांक

श्री योगेश शर्मा, अधिकरक्ता
श्री अनुराग अग्रवाल, अधिकरक्ता

5-3-2002

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद आद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम कहा गया है) की धारा 10 की उपधारा (1) के खण्ड-घ के प्रावधानों के अन्तर्गत 'न्यायनिर्णयन हेतु निर्देशित किया गया:—

"Whether the action of the management or LIC of India, Sikar & Jaipur in terminating the services of Sh. Rajendra Bari and in denying him further employment and engaging other workmen in his place is legal and justified? If not, what relief is the disputant concerned entitled to and from what date?"

प्रार्थी द्वारा स्टेटमेंट आफ क्लेम प्रस्तुत किया गया जिसमें उल्लेख किया गया कि अप्रार्थी संख्या 2 के द्वारा उसे दिनांक 17-3-99 से चतुर्थ श्रेणी कर्मचारी के रूप में नियुक्त किया गया था। उसका नाम रोजगार कार्यालय के द्वारा वरीयता सूची के अनुसार प्रेषित किया गया था उसे रिक्त पद के विरुद्ध नियुक्त दी गई थी। उसने दिनांक 17-3-99 से 9-6-99 तक अप्रार्थी संख्या 2 के यहां लगातार कार्य किया। उसे चतुर्थ श्रेणी कर्मचारी को दी जाने वाली वेतन शृंखला के अनुसार ही वेतन का भुगतान किया गया। दिनांक 9-6-99 से उसे अचानक काम करने से मना कर दिया गया व सेवा समाप्त कर दी गयी। उसकी नियुक्ति के पश्चात् प्रह्लाद कुमार व्यास, महेश कुमार सैनी, पवन कुमार सैनी, गोविंद दामोदिया, दिनेश खटीक, इत्यादि कनिष्ठ व्यक्तियों को नियुक्त दी गई। उससे जनिष्ठ व्यक्तियों को उसकी सेवा समाप्ति के पश्चात् भी निरंतर कार्य करने के आदेश दिये गये। इस प्रकार अप्रार्थी द्वारा प्रार्थी की सेवा समाप्ति अधिनियम की धारा 25 जी., एच. एवं नियम 77, 78 का उल्लंघन कर की गयी। प्रार्थना की गयी कि प्रार्थी की सेवा-मुक्ति के आदेश को अपास्त कर अवैध करार दिया जाये तथा सेवामुक्ति की दिनांक से संपूर्ण वेतन एवं परिलाभों सहित प्रार्थी को नियुक्ति देने के आदेश दिये जाये।

अप्रार्थी को ओर से जवाब में प्रारंभिक आपत्ति की गयी कि भारतीय जीवन बीमा निगम, बीमा निगम रेगुलेशन, 1960 के विनियम 8 के अनुसार अनने कार्य के नियादन हेतु अस्थाई रूप से चतुर्थ श्रेणी कर्मचारी की नियुक्ति कर सकता है व ऐसे अस्थाई रूप से नियुक्ति किये गये व्यक्ति निगम की सेवाओं में लिये जाने का कोई अधिकार नहीं रखते हैं। प्रार्थी की सेवा समाप्ति अधिनियम की धारा 2 (00) (बी बी) के अनुसार होने के कारण छंटनी के तहत नहीं आती है।

क्लेम के खंडानुसार जवाब में उल्लेख किया गया कि प्रार्थी को अस्थाई रूप से 85 दिन की निश्चित अवधि के लिए नियुक्ति किया गया था। अवधि समाप्त होने पर प्रार्थी की सेवा स्वतः समाप्त हो गयी। प्रार्थी की नियुक्ति के पश्चात् किसी कनिष्ठ व्यक्ति को नियुक्ति नहीं दी गयी। अप्रार्थी ने अधिनियम के किसी प्रावधान का कोई उल्लंघन नहीं किया है।

प्रार्थी की ओर से अप्रार्थिगण द्वारा प्रस्तुत जबाब के प्रत्युतर में उल्लेख किया गया कि प्रार्थी के द्वारा उठाया विवाद अधिनियम की धारा 2 (ओओ) (बी बी) के तहत नहीं आता।

प्रार्थी की ओर से व्यवहार के समर्थन में स्वयं का शपथ पत्र पेश किया गया जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के अधिवक्ता को दिया गया। अप्रार्थी की ओर से प्रार्थी का नियुक्ति पत्र प्रदर्श एम.-1 प्रस्तुत किया गया।

बहस मुनी गयी तथा पत्रावली का अवलोकन किया गया।

यह विवादित नहीं है कि प्रार्थी को विपक्षी संस्थान में चतुर्थ श्रेणी कर्मचारी (चपरासी) के पद पर दिनांक 17-3-99 को नियुक्ति दी गयी व उसने उक्त दिनांक से 9-6-99 तक लगातार कार्य किया। प्रार्थी के द्वाया स्वीकार किया गया कि उसकी नियुक्ति की बाबत् नियुक्ति पत्र एम.-1 जारी किया गया था जिसके खंड संख्या 1 में उल्लेख है कि उसकी नियुक्ति 17-3-99 से 9-6-99 तक को अवधि के लिए होगी। खंड संख्या 6 में उल्लेख है कि उसकी नियुक्ति खंड संख्या 1 में वर्णित अवधि की समाप्ति पर स्वतः समाप्त हो जाएगी अथवा यदि आवश्य हुआ तो उसके पूर्व ही किसी समय बिना कोई कारण बताए समाप्त की जा सकती है। इस प्रकार प्रार्थी की नियुक्ति एक निश्चित अवधि दिनांक 17-3-99 से 9-6-99 तक के लिए थी जिसकी समाप्ति पर प्रार्थी की सेवा स्वतः समाप्त हो गयी। प्रार्थी के विद्वान अधिवक्ता का तर्क है कि अधिनियम की धारा 25 जी एवं एच के प्रावधान आकृष्ट होने के लिए यह आवश्यक नहीं है कि कर्मकार ने सेवा समाप्ति के पूर्व के एक वर्ष में 240 दिन कार्य किया हो। उनका तर्क है कि ऐसी साक्ष्य पत्रावली पर है कि प्रार्थी की सेवा समाप्ति के पश्चात् विपक्षी संस्थान में अन्य कर्मचारी नियुक्त किये गये। इस प्रकार अधिनियम की धारा 25 एच. का उल्लंघन किया गया है। उन्होंने अपने तर्क के समर्थन में 1999(3) एस.सी.सी. 14, समिष्टा दवे बनाम सिटी बोर्ड, इटावा, 2002 (1) डब्ल्यू.एल.सी. 286 अरावली क्षेत्रीय ग्रामीण बैंक, सर्वाइमाधोपुर बनाम पीठासीन अधिकारी केन्द्रीय ग्रीष्म-गिंक अधिकरण एवं (1996) 5 एस.एस.सी. 419 सेंट्रल बैंक ऑफ इंडिया बनाम एस. सत्यम को उद्भूत किया है।

समिष्टा दव बनाम सिटी बोर्ड के मामले में अपोलार्थी को दिनांक 15-12-87 को नियुक्त किया गया था व उसकी सवाये 12-7-88 को समाप्त की गयी। श्रम न्यायालय ने अभिनिर्धारित किया था कि “आखिर आय प्रथम जाये” का सिद्धांत दिनिक मजदूरी पर नियोजित कर्मचारियों पर लागू होता है व यह पंचाट पारित किया कि यदि कर्मकार से कनिष्ठ व्यक्ति विपक्षी संस्थान में नियोजित हों तो अपीलार्थी को वरिष्ठता के आधार पर पुनः नियुक्ति दी जाये। उच्च न्यायालय, इलाहाबाद ने अन्य कारणों के अतिरिक्त इस आधार पर भी श्रम

न्यायालय द्वारा पारित पंचाट अपास्त कर दिया कि अपीलार्थी ने 3 महीने 27 दिन कार्य किया व उसकी सेवा समाप्ति नियुक्ति की शर्तों के अनुसार समाप्त हो गयी। उच्चतम न्यायालय ने उच्च न्यायालय के आदेश को निरस्त कर दिया व श्रम न्यायालय के आदेश को बहाल रखा। उक्त मामले में अपीलार्थी को एक निश्चित अवधि के लिये नियुक्त किया गया हो ऐसा उल्लेख नहीं है बल्कि उक्त मामले के तथ्यों से ऐसा प्रकट होता है कि उसे दैनिक मजदूरी के आधार पर नियोजित किया गया। 2000(1) डब्ल्यू.एल.सी. 286 के मामले में राजस्थान उच्च न्यायालय ने यह अभिनिर्धारित किया है कि यदि कर्मकार ने 240 दिनों तक कार्य नहीं किया हो तो भी वह अधिनियम की धारा 25 एच के प्रावधानों का लाभ प्राप्त करने का अधिकारी है। सेंट्रल बैंक ऑफ इंडिया बनाम एस. सत्यम के मामले में भी यह अभिनिर्धारित किया गया कि अधिनियम की धारा 25 जी. व एच. के प्रावधान ऐसे कर्मकारों पर भी लागू होते हैं जिन्होंने सेवा समाप्ति के पूर्व के वर्ष में 240 दिन कार्य नहीं किया। इस बारे में कोई विवाद नहीं है कि धारा 25 जी. व एच. के प्रावधान लागू होने के लिए यह आवश्यक नहीं है कि कर्मकार ने 240 दिन कार्य किया हो। अधिनियम की धारा 25 जी व एच के प्रावधान आकृष्ट होने के लिए यह प्रमाणित करना आवश्यक है कि कर्मकार की छंटनी की गयी। छंटनी की परिभाषा 2 (ओओ) में दी गयी है जो निम्न प्रकार है :—

“Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(c) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry of such contract being terminated under a stipulation in that behalf contained therein.

[(c) termination of the service of a workman on the ground of continued ill-health;]”

उक्त परिभाषा के अनुसार प्रत्येक प्रकार की सेवा समाप्ति छंटनी के तहत आती है जो कि छंटनी के अपवाद के तहत नहीं आती है। प्रस्तुत मामले में प्रार्थी की सेवा समाप्ति अधिनियम की धारा 2 (ओओ) (बीबी) के प्रावधानों के तहत निश्चित अवधि के लिए नियुक्ति होने के कारण व उसका पुनः नवीनीकरण नहीं होने के कारण छंटनी के तहत नहीं आती। अतः अधिनियम की धारा 25 जी एच के प्रावधान आकृष्ट

नहीं होते। प्रार्थी का वक्तव्य है कि उपर्युक्त सेवा समाप्ति के पश्चात् प्रहलाद, दिनेश पन्न मदुग एवं गोविन्द विष्णु के स्थान में नियोजन में शामि जिससे से कुछ दैनिक मजदूरी पर थे जिनमें से अब कोई भी कार्यरत नहीं है। इस प्रकार, ऐसी कोई साध्य नहीं है कि प्रार्थी की सेवा समाप्ति के समय उससे कठिन व्यक्ति को विष्णु स्थान ने नियोजन में रखा व इस बारण भी अधिनियम की धारा 25 जो के प्रावधान आँकड़े नहीं होते। चूंकि प्रार्थी की छटनी विधा जाना प्रमाणित नहीं होता है इस लिए विष्णु स्थान अथवा व्यक्तियों को नियोजित करने से पूर्व प्रार्थी को पन नियोजन का अवसर देने के लिए बाध्य नहीं था।

इस प्रकार उक्त वारणों ने विष्णु के द्वारा प्रार्थी की सेवा समाप्ति अवैध व अनुचित होना नहीं पायी जाती। प्रार्थी को सेवा समाप्ति के पश्चात् अथवा व्यक्तियों को अप्रार्थी द्वारा नियोजित करना भी अवैध व अनुचित नहीं पाय जाना व प्रार्थी कोई सहायता प्राप्त करने का अधिकारी नहीं है।

प्रार्थी के विद्वान् अधिकारी ने प्रार्थना की है कि औद्योगिक व्यवस्था, नई दिनों ते एक अनाई पारित किय जिसमें प्रभुमार किसी भा चतुर्थ श्रेणी कर्मचारी ने यदि अप्रार्थी नियम में 70 या उससे अधिक दिनों तक कार्यविधान हो तो उन नियमों की जाये। ऐसा काई अधिनियम प्रार्थी को आर में प्रस्तुत नहीं किया गया। यदि नियमिया विधे जान के बारे में ऐसा कोई अधिनियम पारित कि त दिया हो तो प्रार्थी विष्णु स्थान में सेवा के नियमाकरण का विवाद उठाने के लिए विधि के अनुमान लगता रहा।

उल्लंग की प्रतीक्षा के लिये सरकार को अधिनियम की दिनांक 17 दा 31 दा (1) के लियां प्रकाशनी प्रेषित करना।

ह/- प्रत्यक्षीय

प्रोजेक्ट अप्रेकारा

देर दिनों, 15 अप्रैल, 2002

— नं 1605—प्रोत्येक्षीय विवाद अधिनियम, 1947
1917 दा 14) को धारा 17 के अनुसरण में, केन्द्रीय विवाद देना वैक के प्रभृतव के सबढ़ नियोजको और उन्हें कर्माना हो तो उन्हें अनुबंध में निर्दिष्ट औत्योगिक विवाद के केन्द्रीय सरकार औत्योगिक विवाद/अमन्यायालय, विवाद के पचाट (मर्दम स्थान 32/2001) को प्रकाशित करने का दिनांक 31 दा केन्द्रीय सरकार का 12-4-02 को प्राप्त हुआ था।

[ल. एन-12011/32/2001-आईआर (वी-II)]
सो लाग्यारण अवर मन्त्रिव

New Delhi, the 15th April, 2002

S.O. 1605—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 12-4-2002.

[No. L-12011/32/2001-IR(B-II)]

C GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer.

Dated, 18th March, 2002

Industrial Dispute No. 32/2001

BETWEEN :

The General Secretary,
Dena Bank Staff Union,
C/o Dena Bank, M.G. Road,
SECUNDERABAD-500003. . . Petitioner.

AND

The Regional Authority,
Dena Bank, Sona Tower, 1st Floor,
71, Millers Road,
BANGALORE-560052. . . Respondent.

APPEARANCES :

For the Petitioner : Sri G. Madhav, General Secretary, Dena Bank Staff Union.

For the Respondent : Sr Manager, Dena Bank.

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/32/2001-IR(B-II) dated 13-6-2001 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Dena Bank and Dena Bank Staff Union.

SCHEDULE

"Is the management of Dena Bank justified in not offering the post of Daftary to Shri T. Maniam, Bill Collector who has claimed to be the senior most in the sub-staff cadre? If so, what relief he is entitled to receive?"

This reference is numbered in this Tribunal as I.D. No. 32/2001 and notices were issued to the parties.

2 Brief averments of the case are : The following claim statement is filed by the General Secretary, Dena Bank Staff Union. It is submitted that the Daftary vacancy at M.G. Road, Secunderabad Branch

fell vacant due to the death of permanent Daftary Mr. P. Deepak Rao on 18-6-99.

3. That the management of Dena Bank represented by Regional Authority, Dena Bank, Regional Office, Sona Towers, Bangalore deliberately and willfully violated the special allowance settlement No. 288/53/1985 dated 12-6-1985 with regard to posting of Daftary and payment of Daftary allowance to Mr. T. Maniam, Bill Collector working at Bank Street branch. As per the settlement No. 288/53/1985 dated 12-6-1985 entered between All India Dena Bank Employees Union and management of Dena Bank which reads as under :

“Any vacancy arise due to transfer of employees or promotion of employee has left the job or a new branch is opened or sanction of new post carrying special allowance by the Management and such post is to be filled within two months period from senior employee in the cadre.”

As per the said settlement the management is supposed to fill up the Daftary vacancy at M.G. Road, Secunderabad branch on or before 18-8-99 as the vacancy existed on 18-6-99. As per the seniority list published by the Regional Office, Bangalore Mr. T. Maniam was drawing Bill Collector allowance at Bank Street, Hyderabad branch is entitled for next higher allowance of Daftary. Earlier to this there was a vacancy of Bill Collector identified at Bank Street, Hyderabad branch. There were three cash peons available at the Hyderabad Centre. Sri K. Chinnajah, cash peon working at Nampally, number two Sri G. Govindan, cash peon working at Dena Bank currency Chest, Secunderabad and Sri T. Maniam, Sr. Bill Collector is entitled to receive the next higher allowance of Daftary at M.G. Road branch as the other two seniors are not inclined to accept higher allowance. The management has bluntly avoided to consider Sri T. Maniam for Daftary post at M.G. Road before the ALC(C), Hyderabad with a pretext that there are other seniors to T. Maniam who are entitled to receive Daftary allowance at M.G. Road, Secunderabad branch. Even for a while accepting the version of the management is correct the management of Dena Bank should have filled up the Daftary vacancy at M.G. Road, Secunderabad branch with the eligible employees within two months that is on or before 18-8-99, but it remains unfulfilled till 31st July, 2001.

4. The intention of the management is clear. That they are went upon to deny the Daftary allowance at M.G. Road, Secunderabad branch to Mr. T. Maniam as he is a member of the union. But, the same management is paying Daftary allowance to one Mr. Rama Rao, cash peon working at Shamshabad branch who is junior to T. Maniam who is a member of majority union. It is therefore prayed that the respondent management to be directed to pay Daftary allowance to T. Maniam from 18-6-99.

5. A counter was filed that there was no vacancy at M.G. Road, Secunderabad branch on 18-6-99. As Sri G. R. Subramanyam was already working at M.G. Road, Secunderabad branch as Daftary who is senior to T. Maniam. It is true that the seniority list was there in Regional office but it is not correct

to say that Sri T. Maniam is eligible for next higher allowance as there were no senior persons above him. He was not eligible for the said allowance as contended in para 5 of the claim statement. The averment made in para 6 of the claim statement is not correct. The bank has not offered higher allowance to sub-staff senior to T. Maniam as there is no vacancy during the relevant time. The question of avoiding the claim of T. Maniam does not arise. Now after the VRS the senior sub-staff have given VRS and Sri T. Maniam has now become eligible vide memo No. BRO : PER : 2911 : 2001 dated 31-7-2001 and he has acknowledged the minimum under the circumstances the claim has become infructuous and his claim with retrospective date may be rejected.

6. Sri T. Maniam was examined as WW1. He deposed that he is working at Dena Bank, Bank Street branch as Daftary from August, 2001. He was originally appointed as cash peon, then he was promoted as bill collector. He was the senior most bill collector on 18-6-99. When Mr. P. Deepak Rao, Daftary of M.G. Road, Secunderabad branch died on 18-6-99 accordingly he should have been given the post of Daftary within two months there after. Ex.W1 is the Xerox copy of the seniority list of supporting staff as on 31-12-97. Ex. W2 is the memorandum of settlement dated 12-6-85. He has been paid from 1-3-2001 head peon allowance. But, he is entitled for Daftary allowance from August, 1999 till 28-2-2001. He prayed that the same may be given.

7. At M.G. Road branch, there were two Daftaries and Mr. Deepak Rao and G. D. Sudarshana Rao. After the death of Mr. Deepak Rao instead of posting him as Daftary at M.G. Road branch management transferred Mr. P. Mallappa, Daftary from Sanathnagar to M.G. Road. After working for two years the management transferred Mr. P. Mallappa to Sanath Nagar branch. After transferring Mr. P. Mallappa from M.G. Road to Sanath Nagar. The vacancy of Daftary at M.G. Road is lying vacant till date. Earlier when the vacancy of bill collector occurred at bank street branch he was third senior as per Ex. W1. The two persons senior to him Mr. Chinnappa and Mr. Govindan refused to accept the bill collector post. The management debarred the said two employees as per Ex. W2 clause 6 in Sec. A. He accepted the post. Hence, he is the senior most bill collector entitled to Daftary allowance from August, 1999.

8. CROSS-EXAMINATION : In the cross-examination he deposed that it is correct as per Ex. W2 settlement once an allowance is refused eligibility come again after three years. That there is one Daftary in every branch. But there were two Daftaries at M.G. Road. It is not true to suggest that as per rules he was offered the allowance correctly and he is not entitled to Daftary allowance from August, 1999 to February, 2001.

9. The petitioner also examined Shri M. Narsinga Rao, Computer Operator with Respondent bank at M.G. Road, Secunderabad branch. From cash peon next promotion is bill collector after that Daftary, next is Head Peon. That as per Ex. W2 it says that the vacancy arises it has to be filled then two months and special allowance to be paid. That at M.G.

Road branch there were two daftaries working Mr. G. V. Sudarshanam and Mr. P. Mallappa as M. G. Road Branch is a big branch there is heavy rush G. V. Sudarshanam and Mr. P. Mallappa as M.G. Road branch. One permanent Daftary Mr. P. Deepak Rao and G. V. Sudarshanam was transferred from Shamshabad to M.G. Road branch. Two daftaries were worked at M.G. Road branch. Ex. W3 is the order copy posting Mr. G. V. Sudarshanam, Daftary to M.G. Road branch. Mr. Deepak Rao expired on 18-6-99. Another Daftary, Mr. Mallappa from Sanath nagar branch was posted by the management to the M.G. Road branch and the copy of executive order is Ex. W4. That T. Maniam is entitled from 18-6-99. In the cross-examination he agreed that every branch is identified with one Daftary post. At bank street branch which is also equal in size, only one Daftary is posted. The work-load as compared to bank street branch is high at M.G. Road branch. That Mr. S K. Ismail who was the Daftary adopted for VRS and relieved.

10. The respondent examined Sri Dharmraj T. Nathan, Sr. Manager. He deposed that for performing the Daftary work Daftary allowance of Rs. 352/- is paid every month. That is for performing additional duties. No vacancy of Daftary arose at M.G. Road branch following the death of Mr. P. Deepak Rao. Another subordinate staff is working as Daftary on permanent basis in the said branch. It is only after retirement of Sri K. Chinnappa and Sri Govindan under VRS, T. Maniam was given. Daftary is being paid to T. Maniam, from 1-3-2000. In the cross-examination he deposed Sri Deepak Rao, original Daftary at M.G. Road died on 18-6-99. He denied that Mallappa was transferred as Daftary to Sanathnagar to M.G. Road branch because there is work of two daftaries. Mr. Rama Rao was getting Daftary allowance at Shamshabad branch who is junior to T. Maniam. So far as Shamshabad is there, a separate centre for the purpose of allowance carrying post.

11. It is argued by the Learned Counsel for the petitioner that as per Ex. W1 he is the senior most, eligible to receive Daftary allowance at M.G. Road, Secunderabad branch. It may be noted that if there was no two Daftary posts at M.G. Road branch why was Sri G. V. Sudarshanam working at Shamshabad branch was transferred to M.G. Road branch. Why did they transferred another Daftary Sri P. Mallappa from Sanathnagar to M.G. Road branch when already one Daftary Mr. G. V. Sudarshanam was working? And after transfer the Daftary from Shamshabad branch they were paying Daftary allowance to Mr. A. J. Rama Rao who is junior to T. Maniam that Shamshabad was included in Hyderabad Secunderabad urban amalgamation on 1-4-1981 and bank is paying HRA and CCA on par with the employees working at Hyderabad Secunderabad centre. They are transferring employees also after inclusion of Shamshabad in Hyderabad centre.

12. It is argued by the Learned Counsel for the respondent that M.G. Road branch, Secunderabad is identified with one post of Daftary. In other areas every branch is identified with only one post of Daftary according to the need and requirement of the branch. One Sri G. V. Sudarshanam is working at M.G. Road branch, Secunderabad from February,

1999 as Daftary and drawing Daftary allowance. That the bank has been paying Daftary allowance from 1-3-2001. There is no merit for Daftary allowance claiming from June, 1999. The petition may be dismissed.

13. It may be seen that as per Ex. W1 Mr. Rama Rao is junior to T. Maniam. Further, it is admitted by the petitioner that he was paid from 1-3-2001 Head Peon allowance. So he claims for Daftary allowance only from August, 1999 to 28-2-2001 the vacancy due to the death of Sri P. Deepak Rao who died on 18-6-1999. As per the agreement it has to be filled up within two months, hence, the correct date if the contention of the petitioner is found to be correct would be 17-8-99. It has been stated by the Respondent that there is only one post of Daftary at M.G. Road, that all branches have got only one Daftary be that may be so. But in practice they are posting two daftaries at M.G. Road branch, Secunderabad which becomes clear from the fact that on the death of Mr. P. Deepak Rao, Mr. Mallappa, Daftary was transferred from Sanathnagar to M.G. Road branch. And it may be seen that said Mallappa was transferred on 28-7-99 that is within two months of the death of Mr. Deepak Rao and further as per Ex. W1 Mr. Rama Rao is junior to Mr. T. Maniam. And MW1 deposed that Mr. Rama Rao was getting Daftary allowance at Shamshabad branch. He has stated that by mistake the name of Mr. Rama Rao was included in the list of Ex. W1 although Shamshabad is a separate Centre for allowance carrying post. I am unable to agree with this. Infact, if Shamshabad does not come under Hyderabad-Secunderabad urban agglomeration as contended by the petitioner union then why the bank is paying HRA and CCA to the employees working at Shamshabad on par with the employees working at Hyderabad. The management should have corrected the list if really Ex. W1 was prepared by over-sight which was prepared on 31-12-97. I am unable to agree with the contention of the bank. Mr. T. Maniam's junior Mr. Rama Rao was getting Daftary allowance, therefore I, answer the reference as follows : The management of Dena Bank is not justified in offering the post of Daftary to Sri T. Maniam, bill Collector who is claimed to be the senior most in the sub-staff cadre. He is entitled for Daftary allowance from 18-8-99 till 28-2-2001. Reference ordered accordingly and Sri T. Maniam, bill collector (now working as Daftary) is entitled for Daftary allowance from 18-8-99 to 28-2-2001.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 18th day of March, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

**Witness examined for
the Petitioner**

Documents marked for the Petitioner

- Ex. W1 : Copy of seniority list dated 31-12-97.
 Ex. W2 : Copy of memorandum of settlement.
 Ex. W3 : Copy of Ir. No. SHBD/1999 dated 13-2-99.
 Ex. W4 : Copy of Ir. no. BRO/PER/4379/99 dated 28-7-99.
 Ex. W5 : Copy of Lr. No. nil of Mallappa dated 18-1-2000.
 Ex. W6 : Copy of Ir. no. DBSU : GM : AP : 9019 : 99 dated 20-7-99.
 Ex. W7 : Copy of memorandum no. 199/2000 dated 11-5-2000.
 Ex. W8 : Copy of Lr. No. DB MGR : 401 : 96 dated 30-8-96.
 Ex. W9 : Copy of Ir. no. nil of WW1 dated 18-1-2000.
 Ex. W10 : Copy of Ir. no. DB : BS : ADV : 636 : 2000 dated 20-1-2000.

Documents marked for the Respondent

- Ex. M1 : Copy of telegram dated 8-5-99.

नई दिल्ली, 15 अप्रैल, 2002

का.आ. 1606.—ग्रौंडोर्गिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतत्व के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौंडोर्गिक विवाद में केन्द्रीय सरकार ग्रौंडोर्गिक अधिकरण/अमन्त्रायालय, हैदराबाद के पंचाट (संदर्भ संख्या 90/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-02 को प्राप्त हुआ था।

[स. एल-12011/72/2001-ग्राइंडआर. (वी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 15th April, 2002

S.O. 1606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 12-4-2002.

[No. L-12011/72/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer

Hyderabad, the 25th February, 2002

INDUSTRIAL DISPUTE No. 90/2001

BETWEEN

The General Secretary,
 The Bank of Baroda Employees Union,
 C/o BOB, Khairatabad Branch,
 Secretariat Road, Hyderabad-500004.
 Petitioner.

AND

The Assit. General Manager,
 Bank of Baroda, Regional Office,
 II floor, Hyderabad Business Centre,
 Basheerbagh, Hyderabad-500007.
 Respondent.

APPEARANCES :

For the Petitioner : Sri K. Rama Reddy,
 For the Respondent: Sri T. Viswanatha Sastry

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/72/2001-IR(B-II) dated 20-7-2001 the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Bank of Baroda, Hyderabad (A.P.) and their workmen.

SCHEDULE

"Is the management of Bank of Baroda, Hyderabad justified in imposing the punishment of reduction of one increment with cumulative effect on Shri P. Prabhakar Rao, Cashier? If so, what relief he is entitled to receive?"

This reference was registered as Industrial Dispute No. 90/2001 and notices were issued to the parties.

2. Brief averments made in the claim statement of the petitioner are : That the petitioner is working as Head Cashier. He was issued a charge sheet. Seven charges which were all denied by the employee Sri Prabhakar Rao. That the bank has refused to supply the important and relevant documents sought by the Defence/Charge-sheeted employee of Rs. 2 lakhs but it was not given to him on the ground that it is of a privileged nature. The management did not produce any evidence. On their behalf to prove the allegations. That against the appeal to the appellate authority which refused the punishment from withdrawal of special allowance to reduction of one increment with cumulative effect. Therefore, it is prayed that the bank may be directed to restore the increment of the charge-sheeted employee.

3. A counter was filed by the respondent stating that the charges against Prabhakar Rao were proved and ample opportunity has been given to Prabhakar for his reply on the charges levelled against him by the respondent. The enquiry proceedings are matter of record. Either documentary handed by the charge-sheeted employee are sufficient to prove and stand testimony as documentary evidence. It is denied that the bank refused to supply the said cheque of Rs. 2 lakhs around which the total allegations were relying. The charge-sheeted employee admitted the documents as such the allegations of the charge-sheet-

ed employee are wrong. He appealed against the final order of the disciplinary authority who reduce the punishment from withdrawing of the special allowance to reduction of one increment with cumulative effect and another punishment from reduction of one increment with cumulative effect with warning this itself shows that the respondent has taken a lenient view. Hence, the petitioner is not entitled for any relief.

4. The petitioner examined himself as WW1. And deposed that he joined the bank on 5-1-1979 as cashier-cum-clerk. He was working as Cashier at Abids branch. On 3-8-1995 Rs. 2 lakhs were paid by him in the account of LABOD. The said cheque was passed on to him by the payment cashier. The allegation against him was, how he paid the amount his being a receipt cashier. Ex. W1 is the charge sheet, Ex. W1 is the charge sheet, Ex. W2 is the reply, Ex. W3 is the enquiry report. He along with his defence Assistant sought certain documents vide Ex. W4, reply is Ex. W5. Several documents were supplied to him. They wrote 3 letters Ex. W6, Ex. W7, and Ex. W8 but there was no reply. The Presiding Officer submitted that he has no witnesses and therefore no evidence was led on behalf of the management. Therefore, the petitioner was deprived of the cross examination of the management witnesses. That the orders were challenged accordingly. The punishment was reduced in appeal.

5. When there is no separate counter for payment of more than 5-digit amount in their bank, customers have not given any complaint to the bank. He did not raise any objection on the management documents marked before the Presiding Officer. He verified all the documents marked produced by the management. He was silent spectator, his defence assistant has spoken.

6. The Manager Sri K. S. L. Mohan Rao examined himself as MW1. He deposed that in the instant case after encashing cheque the charge-sheeted employee did not send the cheque to the concerned department. In the cross-examination he deposed that he has not seen the Rs. 2 lakhs cheque. He does not name whose names were included in the F.I.R. said to have been received when cheque was not received.

7. It is argued by the Learned Counsel for the petitioner that the charge-sheeted employee was working in the receiving cash but as the payment cashier was not having the amount, he requested the petitioner to pay the amount. Accordingly he paid it. And to the best of his knowledge Rs. 2 lakhs was properly drawn and signed by the drawer. Therefore no fault is committed by him. Hence, he may be reinstated. Hence the punishment of imposing withholding of one increment with cumulative effect may be set aside.

8. It is argued by the Learned Counsel for the respondent that already mercy has been shown to him and one punishment of warning and one punishment of stoppage of increment was given to him with cumulative effect. In fact, but for his lapse it appeared to be a fraud of Rs. 2 lakhs. If he had brought the transaction to the notice of the higher officers all this could not have happened. Therefore, no sympathy may be shown to him and the reference may be ordered against

him. It may be seen that neither the enquiry report is before me nor the appellate authority's order. Of course, some of the enquiry proceedings are before me. It may be seen that there was some lapse on the part of the petitioner which resulted in so much confusion. Hence the charge-sheeted employee cannot be completely absolved of the complaint against him. His little negligence has caused unnecessary work to the bank and resulted in lot of wastage of time of the several officers concerned and the petitioner has also made several allegations against the enquiry officer in Ex. W6. It is uncharitable. Therefore taking all into consideration, I am of the opinion that I answer the reference as follows: Taking into consideration to overall things I am of the opinion withholding of one increment with cumulative effect is too harsh a punishment. Hence, the reference is ordered accordingly.

9. The management of Bank of Baroda, Hyderabad is not justified in imposing the punishment of reduction of one increment with cumulative effect on Sri P. Prabhakar Rao, Cashier. However, some punishment for the lapse has to be given. Hence, he is entitled for his increment which was withheld from 1-7-2002. The said grant of increment shall come into effect without paying any arrears. Reference ordered accordingly.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 25th day of February, 2002.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witness examined for the Petitioner :

WW1 : Sri P. Prabhakar Rao.

Witness examined for the Respondent :

MW1 : Sri K.S.L. Mohan Rao.

Documents marked for the Petitioner :

Ex. W1 : Copy of Ir. No. AGM:AP-I:LEGAL: 963 dated 19-12-1996.

Ex. W2 : Copy of reply dated 16-4-1996.

Ex. W3 : Copy of Enquiry Report.

Ex. W4 : Copy of letter of defence representative dated 17-6-1997.

Ex. W5 : Copy of Reply to Ex. W4 dated 3rd August, 1997.

Ex. W6 : Copy of complaint dated 8-7-1997.

Ex. W7 : Copy of Complaint dated 15-7-1997.

Ex. W8 : Copy of Complaint dated 6-3-1998.

Ex. W9 : Copy of letter dated 6-3-1998.

Documents marked for the Respondent :

NIL.

नई दिल्ली, 15 अप्रैल, 2002

का.आ. 1607.—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन शोवरसीज बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 5/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-02 को प्राप्त हुआ था।

[सं. एल-12025/8(i)/2002-आई.आर. (बी-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 15th April, 2002

S.O. 1607.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 12-4-2002.

[No. L-12025/8(i)/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer.

Dated : 25th February, 2002

Industrial Dispute L.C.I.D. No. 5/2001

BETWEEN :

Sri J. Prabhakar,
H. No. 19-3-158/2, Markendeya
Colony, Opp. Vani Vidya Vihar,
English Medium School,
Godavari Khani-505209.

Petitioner.

AND

1. Disciplinary Authority,
Vigilance Department,
Indian Overseas Bank, Central
Office, P.B.N. 3765, 763,
Anna Salai, Chennai,
2. General Manager/Appellate Authority,
Indian Overseas Bank, Central Office,
P.B. No. 3765, 763,
Anna Salai, Chennai. . . Respondents

APPEARANCES :

For the Petitioner : Smt. S.A.V. Ratnam

For the Respondent : Sri A. Krishnam Raju.

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U Chinnappa and M/s. Cotton Corporation of India and two others.

2. Brief averments of the case are : that the petitioner was appointed as Attender in the Indian Overseas Bank on 1-10-1976 and was subsequently promoted as Clerk/Shroff/Godown Keeper on 5-10-1985 by the Respondent No. 2. The petitioner served the bank 15 years of unblemished service record without any adverse remarks. An appreciation letter dt. 16-2-93 for the Yellareddy Branch in which he worked as a Best Rural Bank and the petitioner's performance was appreciated. He also received a letter of appreciation dated 6-4-94 for calculating the Savings Bank interest calculation in record time. When he was dismissed from services as clerk for issuance of two drafts against single draft application of Rs. 7,500 in favour of M/s. Nagarjuna Fertilizers Ltd. for shares with the sum was recovered from him. That the enquiry officer in his enquiry report dated 7-5-99 categorically stated that there is no loss to the bank and he did not recommend or propose any punishment inspite of that he was dismissed. That the punishment awarded is disproportionate to the alleged misconduct. That the petitioner was 44 years old and unable to secure any alternate job being over-aged the family is suffering for want of starving.

3. A counter was filed that the result petition filed by the claimant is not maintainable. That the petition of the petitioner was not good. The petitioner was charge-sheeted on 24-5-91 and 10-11-92 for committing serious misconduct and was awarded with the punishment or stoppage of four increments with cumulative effect. He was also apparent for certain other charges. The petitioner was suspended and charge-sheeted on 20-10-1996 for the fraud committed by him at Godavari Khani branch. Petitioner prepared a fictitious DDR for Rs. 8000 voucher and forged the signature of SCA on the DD application. Again he was awarded after enquiry the punishment of stoppage of three of his future increments with cumulative effect. The petitioner was found guilty of serious charges.

4. On 12-9-96 when he was attached to DD Section he had want only omitted to write printed DD number as well as running serial number on the voucher relating to DD no. 884051/1669 and used the same DD Voucher again and stealthily prepared another DD for Rs. 7500 and obtained the said draft. The petitioner has obtained Arjuna bonds from Nagarjuna Finance Ltd. and later prematurely drawn and credited the same to his SB Account No. S/37 with Godavari Khani branch on 9-6-97. The said amount was subsequently withdrawn by the petitioner for the said account. There he may wrongfully gained for himself and wrongful loss to the bank. The petitioner has utilized the same principle and got issued two drafts. As per bipartite settlement 17.5(d) and 17.5(j) misconduct also willful damage to cause loss to bank or any of its customers. Hence, an enquiry was started and he was found guilty. The petitioner participated in the enquiry. He was given a show cause notice. He did not submit any written reply. In the personal hearing the petitioner regretted for the misconduct and sought for leniency. Hence, he was dismissed after the enquiry and it is fully justified and wanted in the facts and circumstances of the case. Hence, he is not entitled for any relief.

5. The petitioner's counsel wanted the Court to hear on validity of domestic enquiry. Afterwards he

conceded that the domestic enquiry held is valid. Hence, final arguments were heard. The documents are not being marked and they are now being marked for convenience sake. Ex. W1 is the letter dated 16-2-1993 that Yellareddy branch was adjudged as the best rural branch in the zone and they appreciated his service. To the same effect is Ex. W2, In letter dated in the year 1994 appreciating him for completing the Savings Bank interest in record time, i.e. Ex. W3. Ex. W4 is the show cause notice. Ex. W5 is the appeal of the Appellate Authority, Indian Overseas Bank. Ex. W6 is the appellate order dated 18-9-99.

6. Ex. M1 is the charge sheet dated 29-11-1997, Ex. M2 is a letter by the petitioner asking for condonation. Ex. M3 is additional charge sheet, Ex. M4 is denial of all the charges by the petitioner. Ex. M5 is a letter addressed to the petitioner about appointment of Sri K. N. Thyagarajan as enquiry Officer. Ex. M6 is postponement of the enquiry at the request of the defence representative. Ex. M7 is the notice of hearing before enquiry officer. Ex. M8 is the enquiry proceedings. Ex. M9 is also enquiry proceedings. Ex. M10 is the written brief of the Presenting Officer. Ex. M11 is the findings of the enquiry officer. Ex. M12 is the show cause notice. Ex. M13 is the personal hearing where he admitted his guilt. Ex. M14 is the original order in respect of additional charge sheet and dismissal of the petitioner. Ex. M15 is the representation of the petitioner. Ex. M16 is the notice for personal hearing. Ex. M17 is the defence representation. Ex. M18 is appeal order.

7. It is submitted by the Learned Counsel for the petitioner that after all the amount was made good, Therefore, a lenient view may be taken. And she relied on Division Bench Judgement of the Hon'ble A.P. High Court in 2002(1) ALT 151 (D.B.) wherein it was held that while holding that charges stand proved can interfere with the punishment if it is disproportionate to the proved guilt by giving its reasons. She submits that he has put in 23 years of service hence, a lenient view may be taken and he may be granted relief.

8. The respondent's Counsel argued that as per Hon'bl: Supreme Court's Judgement (2000) 3 Supreme Court Cases page 324 held that power of Labour Court to give relief does not extend to grant relief where the punishment of removal was not shockingly disproportionate. He also relied on (2000) 9 Supreme Court cases page 521 held that 11-A discharge of dismissal of workman when ought not be interfered by Labour Court loss of employer's confidence. Held on facts the Court substitute its own confidence and direct reinstatement. He also relied on a Division Bench Judgement reported in 2001(3) ALD 512 Division Bench wherein it was held in the finding of guilt is upheld, the Labour Court should not interfere with the punishment irrespective of the fact whether the amount is found to be misappropriated is small or large. It may be seen that once the enquiry is held to be upheld and I have also gone through the report. I have also gone through the enquiry report and I have seen that the enquiry officer has given reasons for holding him guilty. And as an act of causing wilful loss to bank. I am afraid that he cannot be ordered to be reinstated or reads it to any other form of compulsory retirement etc. I have given serious thoughts to the

circumstances in which the petitioner is placed. He was appointed originally as an Attendant in 1976 and is dismissed in 1999. So, he has put in about 23 years of service out of which of course, he spent time under suspension. No doubt, one is not bound to consider what happens to his family. Because in every criminal case if one goes on seeing what happens to the family then practically nobody will be punished. But as this is a Labour Court or some humanitarian grounds seeing that there are pressing circumstances. Perhaps in a moment of temptation he was yielded to it and having put in 'about' 23 years of service I am of the opinion that he can be granted some relief. However, the entire amount has been deposited. Therefore, as stated supra I am of the opinion that to make him stand on his legs economically so that as stated by him in his petition that his parents are suffering he is only 44 years of age and his family is put to frustration and miseries, hence he is awarded 9 months gross wages as compensation instead of reinstatement or any other relief in the circumstances stated above.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 25th day of February, 2002.

E. ISMAIL, Presiding Officer

APPENDIX OF EVIDENCE

Witness examined for the
Petitioner

Witness examined for the
Respondent

NIL NIL

Document marked for the Petitioner

Ex. W1 :—Copy of Lr. No. ZO|101|124 dt.
16-2-1993.

Ex. W2 :—Copy of Lr. dt. 3-3-1994.

Ex. W3 :—Lr. No. RO|PLG|101|DO|98|94-95
Dt. 6-4-94.

Ex. W4 :—Lr. No. Vig|866 dt. 14-6-99.

Ex. W5 :—Representation dt. 20-6-99.

Ex. W6 :—Lr. No. DO : DGM(AKN):AA:43:
99 dt. 18-9-99.

Document marked for the Respondent

Ex. M1 —Copy of charge sheet Lr. No. Nil dt.
29-11-97.

Ex. M2 :—Copy of representation.

Ex. M3 :—Copy of Lr. No. VIG:1720 Addl.
Charge sheet dt. 26-10-98

Ex. M4 :—Copy of Lr. No. Nil, dt. 5-11-98.

Ex. M5 :—Copy of Lr. No. Nil, dt. 9-5-98.

Ex. M6 :—Copy of Lr. No. Nil, dt. 8-7-98.

- Ex. M7:—Copy of Ir. No. Nil, dt. 18-1-99.
- Ex. M8:—Copy of Ir. No. Nil dt. 11-2-99 enquiry proceedings.
- Ex. M9:—Copy of Ir. No. Nil, dt. 27-2-99 enquiry proceedings.
- Ex. M10:—Copy of Ir. No. REF: NO: VIG: 3306 dt. 30-3-99.
- Ex. M11:—Copy of findings of enquiry officer.
- Ex. M12:—Copy of show cause notice dt. 19-5-99.
- Ex. M13:—Copy of personal hearing dt. 7-6-99.
- Ex. M14:—Copy of Ir. No. Vig|466 dt. 14-6-99
- Ex. M15:—Copy of representation dt. 28-6-99.
- Ex. M16:—Copy of Ir. No. DO:DGM (AKN): 21:AA:99, dt. 19-7-99.
- Ex. M17:—Copy of appeal order dt. 13-8-99.
- Ex. M18:—Copy of Ir. No. DO:DGM(AKN): AA:43:99 Dt. 18-9-99.

नई दिल्ली, 15 अप्रैल, 2002

का.आ.1608.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 25/2001) को अकाशित करती है, जो केन्द्रीय सरकार को 12-4-2002 को प्राप्त हुआ था।

[सं. एल-12025/8(ii)/2002-आई.आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 15th April, 2002

S.O. 1608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 12-4-2002.

[No. L-12025/8(ii)/2002-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. ISMAIL, Presiding Officer.

Dated : 27th March, 2002

Industrial Dispute L.C.I.D. No. 25/2001

BETWEEN

Sri D. Shareef,
S/o D. Imamulu,
D. No. 3/111-B,
Near Fire Office,
Pulivendla Post,
Cuddapah Distt.

...Petitioner.

AND

1. The Managing Director,
Andhra Bank, Central Office,
Andhra Bank Buildings,
Sultan Bazar,
Hyderabad.

2. The Branch Manager,
Pulivendla Branch,
Pulivendla,
Cuddapah Distt. Respondents.

APPEARANCES :

For the Petitioner : Mr. B. G. Ravindra Reddy.

For the Respondent : M/s. Udayachala Rao.

AWARD

This is a case taken under Section 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995, between Mr. U. Chinappa and M/s. Cotton Corporation of India and two others.

2. The brief averments as stated in the petition are : That the petitioner joined the respondent bank on 10-5-85 as temporary Attender. Since then the petitioner has been working without any complaint and to the utmost satisfaction of his superiors.

3. The petitioner was not allowed to join duty on 30th September, 2000 and the termination order is violative of Section 25 of the I.D. Act, 1947. And therefore void ab initio. He has also not been given pay in lieu of notice. Hence, it is prayed that the respondent be directed to reinstate the petitioner into service with full back wages continuity of service and all other attendant benefits.

4. A counter was filed. In the counter various stands were taken and it is further stated that a settlement dated 9-1-95 was also entered into by the bank with a recognized union before ALC(C) during the course of conciliation proceedings. Accordingly a panel list of temporary employer was prepared. The said settle-

ment is binding on the petitioner also. The petitioner is in the panel of temporary sub-staff of Cuddapah District at Serial Number 2. That the services of the petitioner may be utilized in leave/casual vacancies as and when they runs on rotation basis along with the other candidates in the panel. He will be absorbed into bank's regular service as and when permanent vacancy arise. Appointment is for a definite period. Hence, he cannot have any preferences claimed over others.

5. The petitioner examined himself as WW1 and deposed to the said facts stated in the claim petition. That he joined the respondent bank on 10-5-85 as an Attender since then, he worked upto 29-9-2000. He was terminated from services w.e.f. 30-9-2000. That, he made a written representation which marked as Ex. W1 dated 25-3-2001. He worked for more than 240 days during 1998, 1999 and 2000. Ex. W2 is the service certificate. He was paid Rs. 2,600. Ex. W3 is the panel of Temporary Attenders and his name is at Serial No. 2. Ex. W4 is the employment registration certificate. His juniors at Serial Numbers 1, 5 and 6 are given regular appointment. Hence, he may be directed to be reinstated into service with back wages. In the Cross-examination he deposed that he has not filed any appointment order. He admitted that the periods in Ex. W2 are leave vacancies. He denied that he was not discriminated.

6. Sri B. Prasada Rao, Law Officer of the respondent examined himself and deposed that petitioner's appointment was on leave vacancy. However, there was a meeting before ALC(C), during the conciliation proceedings Ex. M1 settlement reached and Ex. M2 is the circular. That during the pendency of this case the petitioner was offered as per seniority, a permanent job in the category of sub-staff vide Ex. M3. In the cross-examination, he denied that the petitioner is entitled for back wages from 30-9-2000.

7. It is argued by the Learned Counsel for the petitioner that but for his approaching the Court, Ex. M3 would not have seen the light of the day. Even otherwise, he is entitled for reinstatement from 30th September, 2000 and also the back wages, continuity of service and all attendant benefits. Therefore, he prays that the petition may be allowed as prayed for.

HOLD :

8. It is argued by the Learned Counsel for the respondent that the conciliation proceedings held before ALC(C) and Ex. M1 agreement was reached and Ex. M2 circular was issued and in fact when the petition became senior during the pendency of the case the bank did not hold any grudge against him in having approached the Hon'ble Court but issued order of appointment vide Ex. M3. Hence, the case may be dismissed. The petitioner have also not filed any document to show that his juniors were appointed.

9. It may be seen that there were conciliation proceedings before ALC(C), and Ex. M1 agreement was reached and circular to that effect was passed Ex. M2. The panel is Ex. W5 where the petitioner is shown at Serial Number 2. Accordingly, when his turn came he was given appointment vide Ex. M3. He is given a permanent appointment in the subordinate staff cadre in a permanent scale and the basic pay starts from Rs. 2,750 to Rs. 5000. The petitioner has not chosen

to join till today. I am of the opinion that the bank has given him, appointment as per his seniority in Ex. W5 vide Ex. M3 appointment order. Therefore, the petitioner is not entitled for any other relief having already secured a regular appointment. In the result, an award is passed and pronounced in Open Court that the petitioner is not entitled for any relief having already secured permanent appointment by virtue of Ex. M3. However, he shall join the bank on or before 1st May, 2001 (F.N.) and the bank shall permit him to join if he reports on or before 1-5-2002 (F.N.).

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 27th day of March, 2002

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witness examined for the Petitioner :

WW1 : Sri D. Shareef.

Witness examined for the Respondent :

MW1 : Sri B. Prasada Rao.

Documents marked for the Petitioner :

Ex. W1 : Representation of WW1 dt. 25-2-2000.

Ex. W2 : Copy of service certificate dt. nil.

Ex. W3 : Copy of Cir Lr. No. 670/3/SG-64/4943 dt. 1-3-96.

Ex. W4 : Employment Registration certificate copy.

Ex. W5 : Acknowledgement of Ex. W1.

Documents marked for the Respondent :

Ex. M1 : Copy of Memorandum of Settlement dt. Nil.

Ex. M2 : Copy of Circular No. 310 dt. 18-10-91.

Ex. M3 : Copy of lr. No 666/3/A3/308 daedt 14-2-2002.

नई दिल्ली, 15 अप्रैल, 2002

का.आ.1609.—ग्रौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौदोगिक विवाद में केन्द्रीय सरकार ग्रौदोगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ मंख्या 249/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2002 को प्राप्त हुआ था।

[सं. एल-12025/8(iv)/2002-ग्राइ.आर. (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 15th April, 2002

S.O. 1609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 249/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 12-4-2002.

[No. L-12025/8(iv)/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E Ismail.—Presiding Officer.

Dated :—26th March, 2002

Industrial Dispute L.C.I.D. No. 249/2001

(I.D. No. 226 of 1999 transferred from Labour
Court-I, Hyderabad)

BETWEEN

Shri B. Sitharam
H. No. 16-2-741/7,
Andhra Bank Colony,
Musarambagh,
Hyderabad-36.

Petitioner

AND

1. The Br. Manager,
Syndicate Bank,
Basheerbagh branch,
Hyderabad.
2. The Chief Executive Officer,
Syndicate Bank (Public Sector Bank),
HO, Manipal-576 119. . . Respondent

APPEARANCES :

For the Petitioner.—M/s. C. Suryanarayana.

For the Respondent.—Mr. K. Srinivasa Murthy.

AWARD

This case I.D. No. 226/1999 is transferred from Labour Court-I, Hyderabad in view of the Government of India, Ministry of Labour's Order No H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No. 249/2001. This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Brief averments of the petition are : That the petitioner was appointed as temporary clerk in Muddanur branch of Syndicate Bank w.e.f. 22-9-1981. He was relieved on 28-11-1981. He was employed for a total number of 70 days during the said period. Later he was again appointed on 15-12-1981 as temporary clerk and worked till 9-1-1982 total number of 23 days. Therefore, the petitioner has worked for 95 days within a span of one year in between 17-9-81 to 9-1-82. He was in the bank's employment on 1-1-1982. The bank ought to have regularized the petitioner as clerk in terms of the Approach Paper circulated with letter No. F3/J/104/87-IR dated the 6-8-1990 of the Department of Economic Affairs, Banking Division of the Government of India, Ministry of Finance. All Public Sector Banks were directed to "follow the provisions laid down in the Approach paper both in the matter of recruitment as well as absorption of temporary employees." The definition of temporary employee/workman has been furnished in para 2 of the Approach Paper.

3. In para 3 of the Approach Paper it has been laid down that "Para 20-B of the first Bi-partite Settlement stipulated that temporary workman may also be appointed to fill up a permanent vacancy provided that such temporary appointment shall not exceed a period of 3 months... other things being equal temporary workmen will be given preference for filling up permanent vacancies..." But he was not given any preference for such employment after 9-1-82. In para 6(b) ibid, it has been laid down as follows. "... where the temporary employees have put in less than 240 days service in 12 months or less and where the temporary employment of such workmen was discontinued before 18-8-84, a settlement can be avoided and the opportunity of re-employment, subject to para 'h' herein below, can be provided even by administrative action..." Though the petitioner was discontinued before 18-8-84, i.e., after Bank's working hours on 9-1-1982, he was not given any opportunity of re-employment till date.

4. The Approach Paper has also laid down in its para 6(C) that "Banks will provide one time opportunity to all temporary employees by taking 1-1-82 as cut off date i.e. all those who were engaged as temporary employees by the bank on or after 1-1-82 may be considered for reemployment in terms of the scheme..." As a result of the same, the petitioner was not considered for absorption in the Bank even though he was in service on 1-1-82 and discharged after working Bank's hours on 9-1-82. According to para 6(b) of the Approach Paper "Only those temporary employees who had put in minimum temporary service of 90 or more days after the cut off date i.e., 1-1-82 will only be eligible for considering under the scheme." As a result of this unfair and illegal condition, the Petitioner is deprived of regularization as Clerk in the Bank though he was employed for more than 90 days within a span of one year. Moreover, only temporary employees in subordinate categories, like Messengers, were regularized. But the petitioner was subjected to hostile discrimination though he was appointed only as temporary Clerk and the scheme applies to all temporaries provided they had rendered 90 or more days of service.

5. A Division Bench of the Hon'ble High Court of A. P. has recently given Judgment in General Manager, State Bank of Hyderabad vs. V. Ramulu [1999 (5) ALD 92]. That Judgement held that refusal of the Bank to regularize the service of the respondent on the ground that he worked earlier to 1-1-82 is illegal. It was held further that the classification between the two groups of employees, appointed as temporaries before and after 1-1-82, is pernicious classification... Such classification has no nexus with the object sought to be achieved." This Judgement kindled the petitioner's hopes of being regularized in the Bank. Hence, he approached this Tribunal. In view of the dictum of the Apex Court in Ajaib Singh vs. The Sirhind Cooperative Marketing-cum-Processing Service Society Ltd., and another (AIR 1999 SC 1351), there is no limitation. Hence, this application is maintainable and the petitioner prays that the same may be accepted for adjudication as non-regularization of the petitioner's service as Clerk is retrenchment in violation of the mandatory provisions of the I.D. Act, 1947. He further adds that the Approach Paper did not lay down with employees in subordinate categories is regularized equally applicable even to those who were employed as temporary clerks.

6. A counter was filed stating that the Finance Ministry's order does not cover him. It is submitted that, the petitioner has quoted various aspects from the approach paper circulated under letter No. F3[3] 103.87-IR dated 16-8-90 of the Department of Economic Affairs (Banking Division), Government of India but it may be noticed that, point No. 5 which is relevant has been omitted in the petition. Point No. 5 reads as follows :—

"For the purpose of Administrative convenience after procuring the applications of Temporary Employees and scrutinizing them for determining their eligibility, the banks would segregate the applications on the basis of area-wise jurisdiction of each BSRB and as and when concerned BSRB holds the next recruitment test for clerical cadre, these applications would also be sent by the banks to the concerned BSRBs for Administering the test to them against the identified vacancies notified by the particular bank to the BSRBs concerned and it shall also be stipulated that as compared to the general cut off point of all other the cut off point for these temporary employees shall be lowered by 5% in order to give them preference as provided under section 25(H) of I.D. Act and Para 20.12 of Bipartite Settlement. Holding of test by BSRBs will provide objectivity to the whole exercise as well as meet with other legal requirement."

As per the above provision of the approach paper, the petitioner is only entitled for lowering of the cut off point by 5% in order to give him preference as provided under section 25(H) of I.D. Act and para 20.12 of Bipartite Settlement and he cannot claim regularization straight away without undergoing the BSRB test. In pursuance of the said portion of the Approach Paper, the petitioner is not entitled for the post as he does not come within the purview of the

approach paper. The petitioner has quoted the judgement of the A. P. High Court relating to State Bank of Hyderabad that Judgement is no way relevant as it relates to absorption/regularization of sub-staff and not that of a clerk.

7. It is submitted that, the approach paper did not lay down only employees in subordinate categories will be regularized and the scheme is equally applicable to those who are employed as Temporary clerks. The approach paper has laid down procedure to be followed in regularization of services of persons who worked in sub-staff cadre as well as in clerical cadre. The bank has called for the application of all the temporary employees who have worked in sub-staff cadre and clerical cadre through an advertisement in Enadu, the Telugu daily newspaper on 31-3-1991.

8. He therefore submits that the petitioner has not applied in pursuance of the said advertisement and not followed the guidelines laid down in the Approach Paper. Hence, he has no right in the post and the petition may be dismissed.

9. The petitioner examined himself as WW1 and deposed that he worked for 70 days from 20-9-81 to 20-11-81. The appointment order was given by the bank enclosure 2 to the annexure to the petition is the certificate dated 28-11-81 given by the Manager, Müddanur branch which is Ex. W1. He is B. Com. A copy of the certificate is Ex. W2. Employment order dated 15-12-81 is Ex. W3. He applied for his employment in the bank either as a clerk at least even as an Attender. That he submitted the application through Syndicate Bank Employees Union which is Ex. W4. The consent award is Ex. W5. Inspite of Finance Ministry's directions for temporary employees is not absorbed. That he applied to the bank both directly and through Employees union for absorption of clerk, but he was not called for the test. The notification is marked as Ex. W7. Subsequently there is no response to his representation. He submitted a representation on 15-9-99 to the General Manager of the Bank at Manipal. He requested for his absorption as clerk or at least as Attender

10. In the cross-examination he deposed that he has not given any appointment order initially he was appointed on 17-9-81 for two months and he was relieved after two months again he was appointed on 15-12-81 for 23 days. He worked for 83 days totally. As per Ex. W6 the management has given a paper notification. He has not filed any document to show that as per the advertisement given by the bank he has forwarded his application. It is not true to suggest that in response to Ex. W7 he has not applied as he is depositing falsely. It is not correct to suggest that Ex. W5 settlement does not apply to his case.

11. Sri T. K. Gopala Krishna, Branch Manager, Basheerbagh deposed as MW1 and stated that he knows the petitioner from records. He was appointed as a temporary clerk on 17-9-81. He was relieved after two months. He was again appointed on 15-12-81 but, he worked for 23 days in total he worked for 83 days.

12. There is Banking Service Recruitment Board and one has to pass that examination for being recruited as clerk in the bank. At the time of appointment of the petitioner in 1981 there was no Banking Service Recruitment Board. The Government of India issued an Approach Paper dated 16-8-90 which is Ex. W6. The cut off date is given as 1-1-82 and such persons who have put in minimum service of 90 or more days only will be considered. As the petitioner does not come under the scheme he is not eligible. Even if this scheme is available he has to apply in response to the advertisement Ex. W7. He has not applied in response to the said advertisement.

13. In the cross-examination he deposed that he worked at Muddanur for 61 days he worked for 23 days at Basherbagh. It is correct that 1-1-82 is the cut off date.

14. It is argued by the Learned Counsel for the petitioner that as per Ex. W6 cut off date is 1-1-82 and as per MW1 the petitioner was very much in service on 1-1-82. Therefore, he is entitled to the benefit of that cut off date and he may be taken back into the job at least if not as Clerk as an Attender. He argues that the petitioner worked for 95 days. Therefore, he is entitled for that benefit. He relies on 1999 (5) ALD 92 Division Bench, wherein their Lordships had an occasion to discuss this circular wherein the petitioner had worked for more than 90 days prior to 1-1-82 and their Lordships held that refusal of regularization of the respondent on the ground that he worked earlier to 1-1-82 is illegal. Therefore, he says that the petitioner should be reinstated.

15. It is argued by the Learned Counsel for the respondent that the very assumption that the petitioner worked for 90 days or more is wrong. He worked for 83 days only. Therefore the said circular is not applicable and more over he has not applied in pursuance of the circular and therefore he is not entitled for appointment.

16. It may be seen that the very assumption and arguments are on the basis that the petitioner worked for 90 days or more and he was very much in the employment on the cut off date namely, 1-1-82. It may be seen that even according to WW1 the petitioner himself he worked from 20th September, 1981 to 20th November, 1981. That is 11 days in September, 1981, 31 days in October, 1981 and 20 days in November, 1981. Total 62 days. Admittedly, he again worked from 15-12-1981 to 9-1-1982. That is 26 days. Hence, he worked for 88 days hence, the said cut off date also will not be applicable to him and Ex. W5 does not apply. Therefore, I am afraid that he is not entitled for any relief. Hence, it is held that the petitioner is not entitled to any relief. Award passed and pronounced accordingly in the open Court holding that the petitioner is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 26th day of March, 2002.

E. ISMAIL, Presiding Officer.

Appendix of evidence

Witness examined for the

Petitioner :

WW1 : Sri B. Sitha Ram.

Witness examined for the

Respondent :

MW1 : Sri T. K. Gopala Krishna.

Documents marked for the Petitioner

Ex. W1 : Enclosure 2 to the annexure to the petition.

Ex. W2 : Copy of B. Com. certificate.

Ex. W3 : Copy of Ir. No. 54/51/333/GEN dt. 9-1-1982.

Ex. W4 : Copy of letter No. 3593/XXIII/GNL: 99 dated 20-9-99.

Ex. W5 : Copy of consent award.

Ex. W6 : Copy of Ir. No. F3/1/104/87-IR dt. 6-8-90.

Ex. W7 : Paper notification dt. 31-1-1991.

Ex. W8 : WW1 representation dt. 15-9-99.

Documents marked for the Respondent

Nil.

नई दिल्ली, 17 अप्रैल, 2002

का.आ..1610—ग्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई.सी. आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौद्योगिक विवाद में केन्द्रीय सरकार ग्रौद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 87/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[सं. एल-17012/56/94-ग्राइ.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 17th April, 2002

S.O. 1610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 87/1995) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-4-2002.

[No. L-17012/56/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 87 of 1995

PARTIES :

Employers in relation to the management of Life
Insurance Corporation of India and their
workman.

APPEARANCES :

On behalf of the employers: Shri B. M. Prasad,
Advocate.

On behalf of the workmen: Shri S. N. Goswami,
Advocate.

STATE : Jharkhand. INDUSTRY : Insurance.

Dated, Dhanbad, the 26th March, 2002

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-17012/56/94-IR(B-II), dated, the 15th May, 1995 :

SCHEDULE

"Whether the action of the management of L.I.C. of India in terminating the services of Sri Kartar Singh, Casual Employee at its Katrasgarh branch w.e.f. 5-4-1989 is justified ? If not, to what relief Shri Singh is entitled ?"

2. The case of the concerned workman according to the W.S. in brief is as follows:—

The concerned workman in his W.S. submitted that he was engaged as temporary Sub-staff at Katrasgarh branch of L.I.C. having its Divisional Office at Jamshedpur "Jeevan Prakash" Main Road, Bistupur in the month of March, 1984 and since the date of his appointment the concerned workman had been performing his duties on job assignment as Peon continuously maintaining his service record without any stigma. He submitted that he and 39 other sub-staff who had been recruited within the Jamshedpur Divisional Office of L.I.C. of India as temporary Peon were to make recruitment on permanent roll as per the instruction of the circular Ref. Div./Pers. dated 15th May, 1986 and scrutiny committee of three members were constituted to examine whether the persons concerned had actually performed satisfactorily in the existing capacity as job assignment as Peon or not. The said scrutiny committee being satisfied with the work of those persons submitted their report. There-

after the management in terms of NIT Award issued letters to the concerned workman to appear in the written test examination for his recruitment to the post of Peon. He submitted that he appeared in the said written test examination on 23-4-89 and qualified for the interview. Thereafter the management directed him and 6 other candidates for their appearance before the interview board and accordingly they appeared before the interview board on 15-5-89 and also passed the said test. But with utter surprise he noticed that he did not find his name in the final list. On the contrary the management stopped his service without notice or show cause or charge sheet as per provision of Section 25F of the I.D. Act, 1947. He submitted that the management has brought allegation to the effect that School leaving certificate which he submitted relating to his qualification was false. He submitted that he had been covered under the terms of NIT Award in the month of March, 1984 and was continued in service till 15-5-89 as Peon in L.I.C. at Katrasgarh Branch and accordingly he also applied for his regularisation in service in terms of NIT Award with bio-data, school leaving certificate for qualification and age proof. He alleged that he had been falsely implicated over the alleged allegation of submitting fake transfer certificate No. 42/78 dated 22-7-78 issued from Putki High School, Putki. He submitted further that he was a regular student of Shri Shankar Dayal High School, Baghmara, Dhanbad since 24-1-1978 to 31-12-79 and passed Class IX. He alleged that the management taking the law in their own hand terminated him from his service without charge sheet and show cause notice violating the provision of Section 25F of the I.D. Act, 1947. The management also did not conduct any domestic enquiry against him before terminating his service. Accordingly he raised as industrial dispute which ultimately resulted reference to this Tribunal.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in his W.S. The management submitted that the concerned workman submitted an application dt. 20-6-86 for his absorption as permanent Class IV employee in terms of NIT under Ref. No. 1/85. In response to his aforesaid application the management directed him to submit application in the prescribed proforma for his appearing in the recruitment test for the post of Peon. The management submitted that until and unless any one appears and qualifies in the recruitment test he cannot be considered for recruitment for absorption in the permanent post of Peon. However, on 13-11-86 the management allowed the concerned workman to sit for the said test subject to verification of documents pertaining to eligibility condition afterwards including age. Accordingly he was issued with the Admit card for the said test. The management further submitted that as per schedule, recruitment test was held and the concerned workman appeared and duly qualified in terms of NIT Award and as per rules and terms and conditions governing such recruitment/absorption the concerned workman as advised to appear at the interview test to be held on 15-5-89. The management submitted that it is procedural law to scrutinise the relevant papers relating to qualification age and other particulars before final selection to any person is made. They submitted that when the management was engaged in scrutinising the papers of the concerned workman they received a complaint against him to the effect that

the School Leaving Certificate submitted by him was not genuine and he has entered the service of the corporation by playing fraud upon the management and resorting to falsehood of age and academic qualification etc. and the transfer certificate issued by Putki H. S. School dated 22-7-78 submitted by him was not genuine. Accordingly the management conducted the enquiry and in course of enquiry not only the transfer certificate purported to be issued by Putki H. S. was found to be forged in as much as the Putki High School in the letter dated 22-11-78 denied to have issued that certificate but also it was further found that he was clandestinely carrying on L.I.C. Agency under Code No. 478558 in the benami of his brother which absolutely constituted unsuitable for his appointment/absorption in the corporation. Later on the concerned workman in denying to submit T.C. from Putki School asserted that he had submitted a T.C. from Shri Shankar Dayal High School. The management submitted that due to submission of workman false certificate and information about him for securing employment the management lost confidence on him and found him unsuitable for the job for the temporary sub-staff and accordingly dispensed with his service from 5-4-89. The management also submitted that the matter of the concerned workman was taken up with the District Education Officer, Government of Bihar, Department of Education vide letter dated 25-9-1989 who in turn wrote the Head Master Shri Shankar Dayal High School who by his letter dated 14-1-91 intimated that the T.C. in the name of the concerned workman i.e. Kartar Singh issued from his school was a forged one and not genuine. In the situation the management submitted that the concerned workman is not entitled to get any relief which he has prayed for.

4. The points for consideration in this reference are :

“Whether the action of the management of L.I.C. of India in terminating the services of Sri Kartar Singh, Casual Employee at its Katrasgarh Branch w.e.f. 5-4-1989 is justified ? If not, to what relief Sri Singh is entitled ?”

DECISION WITH REASONS

5. The concerned workman in order to substantiate his claim examined himself as witness in the instant case. On the contrary the management examined one witness in order to substantiate their claim also. There is no dispute to hold that the concerned workman started working under the management as temporary sub-staff Peon at Katrasgarh branch of L.I.C. in the year 1984. It is also admitted fact that in view of NIT Award under Ref. No. 1/85 the L.I.C. invited applications from the temporary sub-staff for regularisation of their services as Peon. That notification was made in view of the direction given in the NIT Award being Ref No. 1/85. Accordingly along with other temporary sub-staff the concerned workman also submitted his application with all bio-datas. He also relied on the School certificate issued by Putki High School and Shri Shankar Dayal High School. It is also admitted fact that in the written test the concerned workman came out successfully and thereafter he was asked to appear before the Interview Board. All the disputes thereafter cropped up. It is the contention of the workman that though he passed the interview the manage-

ment did not regularise his service in the post of sub-staff. On the contrary without assigning any reason or issuing any notice they discharged him from his service with effect from 5-4-89. He submitted that the said order of discharge was illegal and arbitrary as the management did not give any notice under Section 25F of the I.D. Act, 1947. On the contrary the management submitted that before scrutinising the papers submitted by the concerned workman they received unanimous complaint against the concerned workman about his production of false school leaving certificates. On the basis of that letter they started enquiry against the concerned workman and their officers in course of their visit to Putki H. S. School ascertained that the certificate bearing No. 42/78 dated 22-7-78 was not genuine. Actually it was manufactured by the concerned workman. They submitted that not only the said T.C. was found to be manufactured but also the Headmaster, Putki High School by his letter dated 22-11-88 denied issuance of that certificate by him in favour of the concerned workman. It has been submitted by the management that the concerned workman later denied his submission of T.C. from Putki High School and asserted that he had a T.C. from Shri Shankar Dayal High School. Accordingly they made an enquiry relating to the genuineness of the said certificate after giving due notice to the District Education Officer, Government of Bihar, Department of Education. The management submitted that the Head Master, Shri Shankar Dayal High School by his letter dated 14-1-91 intimated that the Transfer Certificate issued in the name of Kartar Singh i.e. the concerned workman from his school was a forged one and genuine. The third allegation which the management has brought against the concerned workman is that the concerned workman used to run L.I.C. Agency in the code No. 4758 in benami of his brother which according to them was absolutely illegal and for which it constituted unsuitable for appointment/absorption of the concerned workman under the Corporation. I have considered the evidence on record carefully and I hold that the management has failed to substantiate this allegation against the concerned workman relating to running L.I.C. Agency in the benami of his brother. The management in support of Benami Agency has failed to adduce any evidence. As such I do not find any sufficient ground to believe that the concerned workman in the benami of his brother used to carry L.I.C. Agency under Code No. 4758. Now the point for consideration is if the Transfer Certificate issued by the school submitted by the concerned workman in support of his claim finds its authenticity or not. The management in course of hearing submitted a detailed report to the enquiry conducted by the appointed officers and also a letter issued by the Headmaster, Shri Shankar Dayal High School. The report including the letter issued by the Headmaster, Shri Shankar Dayal High School had been marked as Ext. M-1 collectively and M-2. I have considered the letter issued by the Head Master, Shri Shankar Dayal High School. The Head Master in his letter clearly admitted that the entry in the register in respect of the concerned workman was not in his hand writing and under his signature. It was copied by some other person. He further admitted that he signed the Transfer Certificate on the basis of the enquiry without giving any second thought about it. The report marked as Ext. M-1 collectively expressed clearly how the name of the concerned workman was manipulated in the School Regis-

ter, and this report will find support from the letter issued by the Headmaster of the said School marked as Ext. M-2. WW-2 during his evidence relied on certain documents marked as Exts. W-1 to W-10 respectively. But the concerned workman in support of the genuinity of the educational certificate has failed to produce any cogent document. This witness during his cross-examination disclosed that in the year 1978 he first got his admission at Shri Shankar Dayal High School for his studies. The name of the Headmaster of that School was Dr Ram Shashi Tewary i.e. the person who issued the letter to the management dated 24-1-91 marked as Ext M-2. He submitted that excepting the said school he was not a student of any other school. He also denied the act that he was admitted at Putki High School in Class IX in the year 1976 I have considered the report submitted by the management relating to enquiry and also letter issued by the Head Master, Shri Shankar Dayal High School. Considering the report and the letter issued by the Head Master himself, apparently there is sufficient reason to believe that he manufactured the document in question.

6. It is the specific claim of the concerned workman that he worked as Peon under the management since 1984 till the date of his dismissal. It is his specific claim that his service was continuous Disclosing this fact he submitted that according to definition of Section 2(oo) of the I.D. he should be considered as workman Accordingly the representative of the concerned workman submitted that neither notice under Section 25F of the I.D. Act, 1947 was issued before his order of dismissal passed by the management nor any domestic enquiry was held against him about the allegation brought and for which he did not get any scope to rebut the allegation brought against him by the management. It is clear considering the submission of both sides that as per Award passed by N.I.T. in connection with Ref No 1/85 the management gave opportunities to all the casual workers to appear in the test for considering their absorption in the permanent post of sub-staff, under the management Section 25F of the I.D. Act speaks clearly that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by the employer until (a) the work man has been given one month's notice in writing indicating the reasons of retrenchment and period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months."

It is admitted fact that the concerned workman continuously worked under the management as casual worker from 1984 till the date of dismissal. Learned Advocate for the management submitted that question of giving notice under Section 25F of the I.D. Act did not arise because of the fact that they did not retrench the concerned workman as his service was not required Learned Advocate submitted that on the contrary as per NIT Award in connection with Ref. 1/85 opportunities were given to the concerned workman to get his absorption in the permanent post of sub-staff with a view to recognise his service rendered by him under

the management. The management submitted that the concerned workman was asked to submit necessary particulars in support of his claim for his absorption in the permanent post of sub-staff and accordingly the concerned workman submitted necessary particulars including School Leaving Certificate in support of his qualification. The management further submitted that thereafter he was allowed to appear in the written test and he came out successfully. When he was about to be absorbed by the management, on the basis of an information they started an enquiry against the concerned workman in order to ascertain the genuinity of the certificate issued by the Head Master, Shri Shankar Dayal High School. They submitted that in course of enquiry it transpired that the concerned workman falsely procured the said school and to that effect the Head Master of the said certificate submitted written information to the management which I have already discussed above. Learned Advocate for the management submitted that as falsity of the document was established in view of the written report submitted by the Head Master of the said School they were unable to consider the claim of the concerned workman inspite of his getting success in the written examination. It has been specifically alleged by the management that by submitting false School leaving certificate which he procured by deceitful means tried to deceive them and as the question of integrity of the concerned workman involved there was no scope on their part to absorb him in the post of permanent sub-staff Referring this fact learned Advocate for the management submitted that there was no scope on the part of the management to issue any notice under Section 25F of the I.D. Act to the concerned workman before order of dismissal was passed against him. Learned Advocate further submitted that the concerned workman was not an employee in the role of the management and accordingly there was no scope under the I.D. Act to submit any charge sheet against the concerned workman. Accordingly there was also no scope to hold any domestic enquiry against him. It is clear that an employee can only be charge-sheeted by the management and domestic enquiry can be taken up against him if that employee is a permanent employee under the management. It is seen that the status of the concerned workman was that of a casual worker and opportunity was given to him to get his absorption in the post of sub-staff permanently on the basis of the NIT Award referred to above. As such I fully agree with the view extended by the learned Advocate for the management that actually there was no scope to issue any charge sheet against the concerned workman for submitting School Leaving Certificate which he procured by detectful means. It is seen from the record that the concerned workman got scope to adduce evidence in course of hearing of the instant reference case. There was sufficient scope on his part in course of hearing to rebut the written report submitted by the Head Master of Shri Shankar Dayal High School wherefrom he obtained the said certificate and also to rebut the report submitted against him by the management on the basis of enquiry held. It is seen that in spite of getting the said opportunity the concerned workman did not consider necessary to avail of the same. There is no scope to say that the management did not give the concerned workman any scope for getting his absorption in the post of permanent sub-staff but it is seen that the concerned workman misused the privilege given to him by the management.

Though he was not a student of the said School he procured School Leaving Certificate of that school only with a view to get his job under the management. This deceitful conduct on the part of the concerned workman would show clearly that he did not come forward with clean hand before the management. As such I do not find any justification to say that the order of dismissal is liable to set aside as the management did not issue any notice under Section 25F of the I.D. Act, 1947 in spite of his continuous service since 1984. That order of dismissal was passed by the management only for his deceitful act in view of the facts and circumstances which I have already discussed. Question of application of natural justice definitely will be considered very seriously if it is established that the management whimsically dismissed the concerned workman in spite of rendering his faithful service for years together continuously. It is seen that fault was on the part of the concerned workman and not on the part of the management and for which the management was forced to issue that order of dismissal. Accordingly at this juncture I do not find any scope to say that by passing the said order of dismissal the management has violated the principles of natural justice. I also do not find any scope to say that the management illegally and arbitrarily dismissed him from service. Accordingly the concerned workman is not entitled to get any relief which he has prayed for. In the result, the following Award is rendered :—

“The action of the management of LIC of India in terminating the services of Shri Kartar Singh, Casual Employee at its Katrasgarh branch w.e.f. 5-4-1989 is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 12 अप्रैल, 2002

का.आ.1611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बेअर हाउसिंग कार्पोरेशन के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/चेन्नई के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 8-4-02 को प्राप्त हुआ था।

[सं. एल-42012/7/99-आई.आर (एम)]
वी. एम. डेविड, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 175/2001) of the Central Government Industrial Tribunal, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corp. and their workman, which was received by the Central Government on 8-4-2002.

[No. L-42012/7/99-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th April, 2002

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 175/2001

(Tamil Nadu State Industrial Tribunal
I.D. No. 184/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Smt. V. Damayanthi and the Management of Central Ware Housing Corporation).

BETWEEN

Smt. V. Damayanthi : 1 Party|Workman.

AND

The Regional Manager,
Central Ware Housing
Corporation, Chennai.

: II Party|
Management

APPEARANCE:

For the Workman : Mr. S. Kumarasamy,
Authorised Representative.

For the Management : Mr. A. Pithakani,
Advocate.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned dispute for adjudication vide Order No. L-42012/7/99-IR(M) dated 24-8-99.

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No. 184/99. When the matter was pending enquiry in that Tribunal, as per the orders of the Central Government, Ministry of Labour this case has also been transferred from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, the case has been taken on file as I.D. No. 175/2001 and notices were sent to the authorised representative for the I Party|Workman and the counsel for the II Party|Management, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 5-2-2001 with their respective parties and to prosecute this case further. Accordingly the learned representative for the I Party|Workman and the learned counsel for the II Party|Management along with their respective parties have appeared and prosecuted this case by filing their Claim Statement and Counter Statement respectively.

3. When the matter came up before me for final hearing on 8-3-2002, upon perusing the Claim State-

ment, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, and after hearing the arguments advanced by the learned representative for the I Party/Workman and the learned counsel for the II Party/Management, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

1. “Whether the action of the Central Ware Housing Corporation, Chennai in terminating the services of Smt. V. Damayanthi is justified ? If not, to what relief is she entitled ?”

2. The averments in the Claim Statement of the I Party/Workman Smt. V. Damayanthi (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner was employed in the II Party/Management Central Ware Housing Corporation, Chennai, as Sweeper on 12-7-87. She was appointed on compassionate grounds as Sweeper in view of the untimely death of her husband Sri Vaidhyanathan, Chowkidar, while he was in service. When the Petitioner was employed at Thanjavur branch of the Respondent/Management, her health was very much affected. So, she could not go for work. She has informed about her inability to attend the work to the management then and there. The Petitioner was drawing a monthly salary of Rs. 4001. The II Party/Management without conducting any enquiry has removed the Petitioner from service on 23-1-1995. The Petitioner and her family are depending upon the salary of the Petitioner for livelihood. Four male children and one family child are depending on the income of the Petitioner for livelihood. The female child is a handicapped girl. The Petitioner is very much struggling for maintaining the family. The attempt made for conciliation was ended in a failure. The Respondent/Management’s action in removing the Petitioner from service without observing the provisions under section 25F of the Industrial Disputes Act, 1947 is unlawful and against the principles of natural justice. Whatever may be the charges against the Petitioner levelled by the II Party/Management, the punishment of removal from service when compared to the alleged misconduct amounts to economical death excessive unjustifyable and unlawful. Hence this Hon’ble Court may be pleased to pass an award holding that the removal of the Petitioner from service by the II Party/Management is unlawful and direct the II Party/Management to reinstate the Petitioner in service with all back wages and continuity of service.

3. The averments in the Counter Statement of the II Party/Management Regional Manager, Central Ware Housing Corporation, Chennai (hereinafter refers to as Respondent) are briefly as follows :—

The Respondent states that the Petitioner has joined as Sweeper in the Respondent Corporation on 12-8-87 and not on 12-7-87 as stated in the above petition. It is totally incorrect to state that the Petitioner has served

in the Respondent Corporation continuously. The Petitioner has absconded from duty w.e.f. 23-1-95 and all the communications sent to her were returned with postal remarks as left and not in station. A telegram was sent to her directing to report for duty and subsequently a memo was also sent by the Warehouse Manager, Thanjavur directing her to resume duty forthwith, but there was no response from her. The contention of the Petitioner that four sons and one daughter are depending on her is incorrect. Her eldest son namely Mr. V. Saravanan has already informed vide his letter dated 17-8-89 that they are living at their relative’s house, since the Petitioner is living with somebody leaving her children separately. The said Sri V. Saravanan has also requested for help of the Respondent in the above said letter and the said letter proves clearly that her children are not depending on her, but they are living separately. One officer from the office was sent to find out the Petitioner to her declared residential address, but he was unable to meet her. The officer had left message to meet him in the Respondent office and accordingly, the Petitioner met the officer and promised to join duty on 24-4-95, but failed and neglected to do so. Hence, this Respondent has issued a show cause notice under the memo dated 8-6-95 directing her to show cause as to why her services should not be terminated. But, she failed to submit her reply to the above said charge memo. Subsequently, she was charge sheeted under memo dated 24-7-95 which was returned by the postal department with the remarks as ‘addressee left’ and the intimation of the disciplinary proceedings under memo dated 17-11-95 was also returned as ‘left’. Hence, the Respondent has given an advertisement in Tamil dailies namely ‘Daily Thanthi’ and ‘Dina Mani’ dated 3-4-96 directing her to report to duty within seven days showing proper reasons for her unauthorised absence. In spite of the above advertisements through newspapers, the Petitioner has not turned up for duty. The Petitioner was initially posted to the warehouse at Virugambakkam, which was very close to her residence. Her performance was not satisfactory, since she was very irregular for her duty and also indulged in misbehaviour. The Petitioner was transferred to Central Warehouse at Vanagaram, Chidambaram, Tiruvottiyur and Thanjavur, so that she can improve her performance, but she failed to do so. The Petitioner was unauthorisedly absent for more than 655 days from 1-6-88 to 27-12-94. While she was working in warehouse at Thanjavur, she absconded from duty and left the headquarters without any prior permission or approval. Since the Petitioner was not interested in joining duty, the Respondent had issued a self-speaking order dated 15-4-96 removing her from service. In view of the above, the Respondent states that adequate opportunity was given to the Petitioner to improve her, but she failed to join duty. Finally, after clearing all formalities, she was removed from duty as per Staff Regulations of Central Ware Housing Corporation. Hence, the Petitioner has no valid grounds to seek re-employment by saying that the removal from service is illegal. If the above petition is allowed, the Respondent being a Government of India Undertaking will be put to irreparable loss and hardships. Therefore as there is no merit in the petition, the Respondent prays that the Hon’ble Court may be pleased to dismiss the petition with cost.

4. When the matter was taken up finally for enquiry, the Petitioner was examined as WW1 and one witness on the side of the management has been examined as MW1. Six documents as Ex. W1 to W6 and Eighteen documents as Ex. M1 to M18 were marked as exhibits on either side. The learned authorised representative for the I Party/Workman and the learned counsel for II Party/Management have advanced their respective arguments.

5. The Point for my consideration is —

"Whether the action of the Central Ware Housing Corporation, Chennai in terminating the services of Smt. V. Damayanthi is justified? If not, to what relief is she entitled?"

Point:—

The Petitioner Smt. V. Damayanthi has raised this industrial dispute challenging the action of the Central Ware Housing Corporation, Chennai in terminating her services as Sweeper in the Central Ware Housing Corporation w.e.f. 23-1-94. It is her contention that her removal from service by the Respondent/Management is highly arbitrary and against principles of natural justice. In support of her averments, she has made in her Claim Statement, the Petitioner has examined herself as WW1 and has filed six documents as Ex. W1 to W6. The Respondent/Management opposing the relief prayed for by the Petitioner for reinstatement in service has filed Counter Statement and in support of the same examined one witness as MW1 and had filed 18 documents as Ex. M1 to M18. The Petitioner/Workman Smt. V. Damayanthi was employed in the godown of the Respondent Central Ware Housing Corporation as Sweeper at Virugambakkam, Chennai on 12-7-1987. It is admitted that her husband Sri Vaidhyanathan, who was employed in the Respondent Corporation as Chowkidar died in harness, so on compassionate grounds the Petitioner as the widow of said Vaidhyanathan was given appointment as Sweeper. The Petitioner as WW1 has admitted in her evidence that subsequent to Virugambakkam, she was transferred to Chidambaram and then to Thanjavur godown as Sweeper and that her family was at Kolathur, there was nobody to look after her family at Kolathur, Chennai, when she was transferred to Thanjavur godown. It is her further admission that she was last working at Thanjavur on 22-1-1995. It is her further evidence that prior to her service was terminated on 23-1-95 she was not given notice, notice pay or any compensation and no enquiry was conducted. It is her further evidence that she received a telegram from the Respondent department informing her that she must report for duty at Thanjavur within three days and the xerox copy of that telegram dated 17-3-1995 is Ex. W1. She would further depose that she took treatment at Bohar Verma Vaidhyasalai for her illness and the xerox copy of the medical certificate dated 28-2-98 is Ex. W2 and the xerox copy of certificate dated 28-3-98 issued by the V.A.O. of Vengathur village is Ex. W3. It is her further evidence that in April, 1998, she submitted a letter to Regional Manager that she became alright and she is ready to join duty and the xerox copy of that letter is Ex. W4. Ex. W5 is the xerox copy of the reply dated 20-6-98 received by her from Assistant Manager (Personnel) refusing her request. She received another letter dated 27-10-98 from the management that she cannot be reinstated in service. The xerox copy of that letter is Ex. W6. It is her further evidence that since her termination from service by the Respondent/Management is arbitrary and illegal, she has raised this industrial dispute for setting aside the order of termination passed by the Respondent/Management and for reinstatement in service with back wages and attendant benefits. In the cross examination, she has deposed that she gave a reply to Ex. W1 telegram to the management the next day itself by registered post. But she is not having the copy of that reply. One Sri A. Ramu working as Superintendent in the Respondent/Management Central Ware Housing Corporation, Chennai, examined as management witness would depose that he knows the Petitioner Smt. V. Damayanthi, who was employed as sweeper in the Respondent Central Ware Housing Corporation. It is his evidence that when the Petitioner was employed she had not discharged her duties properly and she was absented duty unauthorisedly when she was working at Virugambakkam. For that a memo dated 5-9-88 was issued to her calling for explanation for her unauthorised absence for duty. The xerox copy of that memo is Ex. M1. It is his further evidence that she remained absent for work unauthorisedly in various occasions in the year 1988, 1989 for which different memos were issued calling for her explanation for her unauthorised absence for duty. The Xerox Copies of those memos are Exs. M2 to M7 respectively. It is his further evidence that the Petitioner had submitted her explanation for the memo dated 14-5-90 issued to her for her unauthorised absence from 9-5-1990 and her explanation was accepted by the competent authority and she was let off that time with the warning that she should not absented herself in future without informing the Warehouse Manager and submitting her leave application in time and the xerox copy of that memo dated 23-5-90 is Ex. M9. It is also his evidence that the Petitioner remained absent for work unauthorisedly from 25-7-90 to 3-10-90 and 20-11-90 to 13-12-90 and that memo dated 19-3-91 was issued to the Petitioner warning her severely and informing her that such unauthorised absence in future will be viewed very seriously and her absence for the period as unauthorised absence was regularised as a special case and the xerox copy of that memo dated 19-3-91 is Ex. M10. It is his further evidence that even after she was transferred to Central Ware Housing Corporation godown, Thanjavur, she remained unauthorisedly absent from 23-1-95. So a telegram to her residential address was issued on 4-2-95 directing her to report for duty immediately and post copy in confirmation was also sent to her on the same day. The xerox copy of the same is Ex. M11. MW1 further deposed that since the Petitioner has not responded to Ex. M11, a memo dated 20-2-95 was sent to her residential address at Madras and the xerox copy of the same is Ex. M12 and that the Petitioner has not submitted any explanation for that memo and since she continued to be absent for duty unauthorisedly a telegram from Regional Office was issued to her on 17-3-95 directing her to report for duty at Thanjavur within three days. The xerox copy of that telegram and the post copy of confirmation to the Petitioner is Ex. W1. It is also his evidence that an undated letter from the Petitioner was received at Ware House at Thanjavur on 31-3-95 and a

memo dated 6-4-95 was issued by the Ware House, Manager, Thanjavur to the Petitioner and the xerox copy of the same is Ex. M13 and that in the said memo, the Petitioner was advised to submit a medical certificate from competent medical authority within time, but the Petitioner has not submitted any medical certificate and her absence for duty was treated as unauthorised and she was advised to report for duty immediately, failing which the competent authority will take appropriate action, as it may deem fit. It is his further evidence that since the Petitioner failed to report for duty as per the direction in Ex. M13 a show cause notice dated 8-6-95 was issued to her as to why her services should not be terminated under Regulation 20(2)(h) of Central Ware Housing Corporation Staff Regulations, 1986. The xerox copy of that memo is Ex. M14. Even for that memo, the Petitioner has not submitted her reply within the stipulated time of 15 days and since she continued to absent for duty unauthorisedly a charge memo dated 27-4-95 was issued to her. The xerox copy of the same is Ex. M15. Even for that charge memo, the Petitioner had not submitted any explanation as called for. So a departmental enquiry was conducted against the Petitioner and the xerox copy of the enquiry proceedings dated 1-3-96 is Ex. M16. He would further depose that the Petitioner had not appeared before the Enquiry Officer for domestic enquiry. So, he submitted his report by conducting an enquiry ex-parte with his findings that the articles of charges 1 and 2 are proved against the Petitioner. Since the whereabouts of the Petitioner was not known to the Respondent/Management, paper publication of a notice in the local dailies, Dina Thanthi and Dina Mani of Madras Edition was effected on 3-4-96. Those paper publications are Ex. M17 series. In that paper publication, the Respondent/Management had directed the Petitioner to report back to duty at Thanjavur Warehouse within seven days, failing which her services will be terminated as per CWC Staff Regulations, 1986. Since she had failed to report for duty as per the direction in the paper publication notice, she was removed from the service of the Respondent/Management Central Ware Housing Corporation w.e.f. 23-1-1995 and a memo dated 15th April, 1996 enclosing the attested photo copies of orders of the Regional Manager was issued to the Petitioner and the xerox copy of the same is Ex. M18. It is his further evidence that the Respondent/Management had not received the medical certificates under Exs. W2 and W3 and the Regional Manager has sent a reply dated 20-6-98 under Ex. W5 for the letter dated 4-5-98 sent by the Petitioner seeking reinstatement in service. All these evidence given by MW1 has not been seriously disputed or denied by the I Party/Petitioner when MW1 was cross examined by his Authorised Representative. In addition to this evidence, the MW1 has spoken about a 17-8-89 sent by the son of the Petitioner one Sri Saravanan. A xerox copy of the same is Ex. M8.

6. On the basis of the above oral and documentary evidence let in on either side, the learned counsel for the Respondent/Management as well as the learned authorised representative for the I Party/Workman have advanced their respective arguments. It is argued on behalf of the I Party/Petitioner that the contention raised by the Respondent/Management in this dispute opposing the plea of the Petitioner are not

very much disputed, but he has mainly made his representation with regard to the gravity of the punishment imposed for the misconduct of unauthorised absence of the Petitioner for duty as highly disproportionate. Considering the non-employment of the widow of the ex-employee, the Petitioner, who was employed on compassionate ground and her depending children for their livelihood, this Tribunal can exercise its powers under Section 11A of the Industrial Disputes Act, 1947 and can modify the punishment of dismissal from service which is a capital punishment to that of lesser punishment and thereby direct the Respondent/Management to reinstate the Petitioner in service. In support of this contention, the learned authorised representative has relied upon two judgments of the High Courts of Gujarat and Karnataka respectively. The High Court of Gujarat in the case reported as 1983 II LLN pg. 278 between Parmar (RM) and Gujarat Electricity Board; Baroda. The High Court has held that 'the Tribunal under Section 11A of Industrial Disputes Act, 1947 has got powers to reduce the penalty imposed by domestic Tribunal and when invoking that power, it cannot be said that the power can be exercised only if the employee pleads guilty and seeks mercy'. In that case, the Labour Court to which the dispute was referred held that it could exercise its power under Section 11A of the Industrial Disputes Act, 1947 only provided that worker does not contest the proceedings, pleads guilty and seeks mercy. This approach of the Labour Court in exercising the power under Section 11A of Industrial Disputes Act, 1947 has been held to be incorrect by the High Court in that decision. In that given case, the dismissal order was passed in the context of two charges namely absence from duty for about two days without obtaining prior permission and that the theft of scrap materials such as nuts, bolts, screws etc. valid at less than Rs. 50. So, the High Court was pleased to hold that the punishment awarded by the Disciplinary Authority in the domestic enquiry on the basis of those misconduct of the workmen is grossly disproportionate to the gravity of the alleged misconduct. This fact of this case cannot be equated to the facts of the present case. While dealing with that severe acts of misconducts, it was held by the High Court that the main purpose of the punishment is to correct the fault of the employee concerned by making him more alert in the future and to hold out a warning to the other employees to be careful in discharge of their duties, so that they do not expose themselves to similar punishment and the approach to be made is the approach parents make towards erring or misguided child. This decision of the High Court of Gujarat given in that case is not applicable to the facts of the present case. There are ample evidence available in this case to show that the Petitioner was shown to be a habitual unauthorised absentee for duty and she was given warnings by the Respondent/Management on very many occasions and inspite of that she could not correct herself in spite of very many opportunities were given to mend herself to the expected manner by the management. The other case cited by the learned authorised representation of the I Party/Workman is a case reported as 1989 II LLN 938 between Ramu and District and Sessions Judge Kolar and others. In that case Hon'ble High Court of Karnataka was pleased to hold 'that 'dismissal of a peon from service in the office of Munsif for remaining unauthorisedly absent on three occasions for long

duration a punishment too harsh, when considering the delinquent employee is having five children and long term of service ahead with no other ostensible source of livelihood'. This decision of the Karnataka High Court has been given with an observation in that case itself stating that "the decree of seriousness and the measure of gravity of offence cannot be standardised. But they have to be assessed in relation to the peculiarity of each case and if the peculiarities vary from one situation to another depending once again on the various factors which influence the creation of situation." This observation of the High Court of Karnataka is quite applicable to the facts of the present case. The facts of the considered case by the Hon'ble High Court of Karnataka is quite different from the facts of the present case. It is the evidence in this case that the Petitioner has got four boys and a girl and when she was last working at Thanjavur on 22-1-95 her children were living at Kolathur, Chennai, and she went on leave often only to look after her children and that her children are grown up now and she will not go on leave often. It is her categorical evidence in the Chief itself, in 1995 January, she was having four boys and a girl aged 15, 12, 8 and 4 and 8 months old child respectively. This evidence is shown to be false by a document filed as Ex. M8 on the side of the management. It is the xerox copy of the letter sent by the first son of the Petitioner Sri Saravanan to the Respondent Management. It is dated 17-8-89. In that letter, he has stated that himself and other three brothers are aged at 19, 16, 10 and 7 respectively while his sister is aged at 3. It is further stated in that letter by the first son of the Petitioner that his mother, the Petitioner herein, was given employment by the Respondent Management on compassionate grounds, when his father died in harness on 6-2-87 and since he was aged only 17 at that time. It is further stated that one year after the Petitioner was given employment on compassionate ground the Petitioner started living with some other person separately and she is not looking after himself and other brothers and sister. It is admitted by the Petitioner that the said Saravanan is her first son. Nothing has been stated against this Ex. M8 by WW1 the Petitioner in her evidence. If we take the age given by the first son of the Petitioner in Ex. M8 into consideration, these five children of the Petitioner are now aged 32, 29, 23, 20 and 16 respectively and in 1995 when the Petitioner was non-employed, they were at the age of 25, 22, 16, 13 and 9 respectively. So, from this undisputed fact it cannot be said that the Petitioner's children are even now depending on her earnings for their livelihood and those grown up children are not maintaining her now. No evidence to that effect is available on the side of the Petitioner. Further there is sufficient evidence available on the side of the management both oral and documentary as undisputed evidence to show that the Respondent Management had given the Petitioner very many opportunity to correct herself in attending her duty as sweeper in the Respondent Corporation without remaining absent for duty unauthorisedly. In spite of various memos have been issued and very many warnings have been issued to the Petitioner by the Respondent Management, she has not mend her ways but remained absent continuously from 23-1-1995, which made Respondent Management to take disciplinary action against the

Petitioner for her unauthorised absence, as per the provisions of Regulations 39(1) (b) (c) 47, 46, 8 of CWC STAFF Regulation 1986. So under such circumstances, it cannot be said that the action taken by the management in terminating the Petitioner from service is unjustified and it is grossly disproportionate to the gravity of the misconduct of the Petitioner. In the given circumstances, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

7. In the result, an Award is passed holding that the Petitioner is not entitled to any relief prayed for against the II Party/Respondent Management as mentioned in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court in this day the 4th April, 2002.)

K. KARTHIKEYAN, Presiding Officer
Witnesses Examined :—

For the I Party Workman—WW1 Smt. V. Damayanthi.

For the II Party Management.—MW1 Shri A. Ramu.

Exhibits marked :—

For the I Party/Workman :—

Ex. No.	Date	Description
W1	17-3-95	Xerox copy of the telegram sent to the Petitioner by the II Party/Management with a direction to Report for duty within three days.
W2	28-2-98	Xerox copy of the Petitioner's medical certificate.
W3	20-3-98	Xerox copy of the certificate issued by the VAO, Vengathur Village.
W4	5-4-98	Xerox copy of the written explanation submitted by the Petitioner to Respondent/Management for her absence.
W5	20-6-98	Xerox copy of the reply given by the Management to the Petitioner for her representation.
W6	27-10-98	Xerox copy of the letter sent by the Respondent to the Petitioner's advocate.

For the II Party/Management :—

Ex. No.	Date	Description
M1	5-9-88	Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
M2	28-9-88	Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
M3	3-11-98	Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
M4	30-11-98	Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
M5	21-2-89	Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.

- M6 22-2-89—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
- M7 9-6-89—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
- M8 17-8-89—Xerox copy of the letter from the Son of I Party to the Respondent|Management.
- M9 23-5-90—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
- M10 19-3-91—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
- M11 4-2-95—Xerox copy of the telegram and post copy confirmation sent to the Petitioner by the Respondent|Management.
- M12 20-2-95—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
- M13 6-4-95—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
- M14 8-6-95—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.
- M15 24-7-95—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence with annexures.
- M16 1-3-96—Xerox copy of the departmental enquiry report against the Petitioner.
- M17 3-4-96—Original paper publication with regard to the unauthorised absence of the Petitioner and direction to her to report for duty immediately.
- M18 15-4-96—Xerox copy of the memo issued by the Respondent to the Petitioner for her unauthorised absence.

नई दिल्ली, 12 अप्रैल, 2002

का.आ 1612 —ग्रौवोर्गिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बेअरहाऊसिंग कार्पोरेशन के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट ग्रौवोर्गिक विवाद में ग्रौवोर्गिक प्रधिकरण /अम न्यायालय इरनाकुलम के पचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 10-4-2002 को प्राप्त हुआ था।

[सं. एल-42012/7/99-ग्राइ आर (एम)]

बी एम. डेविड, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1612.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Government hereby publishes the award of the Industrial Tribunal, ERNAKULAM as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of

Central Warehousing Corporation and their workman, which was received by the Central Government on 10-4-2002.

[No. L-42012/7/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM (IN THE LABOUR COURT, ERNAKULAM)

(Tuesday, the 26th day of February, 2002)

PRESENT :

Smt. N. Thulasi Bai, B.A.LL.B., Presiding Officer.

Industrial Dispute No. 1 of 1998 (Central)

BETWEEN

The management of Central Warehousing Corporation, Bangalore.

AND

The workman represented by the General Secretary, Central Warehousing Corporation, Employees Union, Madurai.

REPRESENTATIONS :

Sri Kunnathukal V. Sukumaran Nair,
Advocates. . . For Management.

Ernakulam South.

Sri K. Ramkumar,
Advocate, . . . For Workman.
Ernakulam.

AWARD

This reference was made by the Central Government as per order No. L-42012/4/97-IR (Misc.) dated 31-12-97. The dispute referred is between the management of Central Warehousing Corporation, Bangalore and its workman. The dispute referred is :

“Whether the action of the management of Central Warehousing Corporation in refusing to pay H.R.A., C.C.A. and fixed D.A. w.e.f. April, 1994 in respect of the personal pay paid for adopting small family norms and Special pay paid to the employees is justified? If not, to what relief the concerned employees are entitled to?”

2. Pursuant to notices issued from this court both the management and the union representing the workmen appeared through counsel. Union filed a claim statement and the management filed a written statement. Thereafter the case was pending for adducing evidence. On 26-2-2002 the counsel for the union submitted that he has no instructions from the union. The union representative and the workmen were absent. On two earlier occasions award was passed in this case in the absence of the parties and the Industrial Dispute was restored subsequently. In view of the absence of the union representative and the workman I am satisfied that the union and the workman are not interested in prosecuting the dispute thereby it can be found that there exists no dispute at present to be adjudicated by this court.

In the result, an award is passed finding that there exists no dispute at present to be adjudicated by this court.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 26th day of February, 2002.

Ernakulam.

N. THULASI BAI, Presiding Officer
नई दिल्ली, 12 अप्रैल, 2002

का.आ. 1613—आर्थिक विवाद अधिनियम, 1947 (1947 को 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टील आर्थिकी और इंडिया लि. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आर्थिक विवाद में केन्द्रीय सरकार आर्थिक अधिकरण भवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-02 के प्राप्त हुआ था।

[सं. एल-29011/3/92-आई आर (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 154/2001) of the Central Government Industrial Tribunal, Bhubaneswar, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Steel Authority of India Ltd. and their workman, which was received by the Central Government on 3-4-2002.

[No. L-29011/3/92-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 154/2001

Date of conclusion of hearing—12th March, 2002
Date of Passing Award—26th March, 2002

BETWEEN :

The Management of the General Manager, Purnapani Lime Stone & Dolomite Quarry of Raw Materials Division, Steel Authority of India Ltd., Rourkela-11, Distt. Sundargarh. . . 1st Party-Management.

AND

Their Workmen, represented through
The Secretary, Rourkela Shramik Sangh,
Purnapani Branch, P.O. Purnapani,
Distt. Sundargarh . . . 2nd Party-Union.

APPEARANCES :

None . . . For the 1st Party-Management.

None . . . For the 2nd Party-Union.

AWARD

The Government of India in the Ministry of Labour in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29011/3/92-IR (Misc.) dated 19-1-1998 :—

“Whether the demand of Rourkela Shramik Sangh against the Management of Purnapani Lime Stone and Dolomite Quarry of SAIL for treating the contract labourers engaged by the Management as departmental employees of Raw Materials Division is justified? If so, to what relief the concerned workmen are entitled?”

2. The dispute is between the General Manager, Purnapani Lime Stone & Dolomite Quarry of Raw Materials Division, Steel Authority of India Ltd. (hereinafter called as the 1st Party-Management) and the Secretary, Rourkela Shramik Sangh, Purnapani Branch (hereinafter called as the 2nd Party-Union).

3. The case of the 2nd Party-Union runs thus :—

The Government, vide Notification No. 707 prohibited employment of contract Labour in mining operation and transportation of lime and dolomite in the Purnapani Lime Stone & Dolomite Quarry under section 10 of the Contract Labour (Regulation & Abolition Act). Thereafter the 2nd Party had filed a writ petition before the Hon'ble High Court for a declaration that the workmen working in the prohibited job are the workmen of the Principal Employer i.e. Purnapani Lime Stone and Quarry, Steel Authority of India Ltd. When the case was filed, there were over 2400 workmen engaged. The Contractor filed another Writ petition for staying the operation of Notification issued under section 10 of the Contract Labour (Regulation and Abolition Act). The operation of the notification was stayed. Thereafter the writ was disposed of with direction that, the Tribunal should adjudicate the matter. The contractors applied for the direction for retrenchment of the workmen to the appropriate government and the reply was sent that in case of abolition of contract job the relation of the contractor workers ceases with the contractors and relation with the Principal Employer establishes. So, the present reference has been made to establish that the workmen involved in the reference are the workmen of Purnapani Raw Materials Division, SAIL with effect from 17-3-1993.

4. The 1st Party-Management has filed their Written Statement. They have stated that, the present reference is not maintainable as the contractor has not been made as a party and this Tribunal lacks jurisdiction. It has been further submitted by the 1st Party-Management that the notification No. 707 prohibiting engagement of contractor Labourers in Lime Stone & Dolomite Quarries is subjudice in the Apex Court in a SLP filed by the 1st Party-Manage-

ment, which is pending for disposal. It is pleaded on behalf of the 1st Party-Management that in view of such no award may be passed by this Tribunal.

5. On the above pleadings of the parties the following Issues have been settled.

ISSUES

1. Whether the demand of Rourkela Shramik Sangh against the Management of Purnapani Lime Stone & Dolomite Quarry of SAIL for treating the contract labourers engaged by the Management as departmental employees of Raw Materials Division is justified?
2. If so, to what relief the concerned workmen are entitled?

6. Issues were settled on 19-4-2000. Both the parties were directed to come ready for hearing and the case was adjourned to 29-5-2000. On that date, both the parties were remained absent. Both the parties were also remained absent till the case was received on transfer by this Tribunal. Subsequently, in pursuance to the notice issued from this Tribunal both the parties appeared on 11-7-2001 and thereafter the 2nd Party remained absent and did not take any step. Subsequently, the 1st Party-Management has also remained absent. Hence, both the parties were set ex parte.

FINDINGS

ISSUE NO. I

7. The reference has been made at the instance of the 2nd Party-Union i.e. the Secretary, Rourkela Shramik Sangh, Purnapani Branch. So the initial burden lies on them to establish their case by adducing oral evidence or by producing documentary evidence. But nothing has been done by the 2nd Party-Union. So, in absence of any materials it can not be stated that the demand of Rourkela Shramik Sangh against the Management of Purnapani Lime Stone & Dolomite Quarry of SAIL for treating the contract labourers engaged by the Management as departmental employees of Raw Materials Division is justified. Hence, this Issue is answered accordingly.

ISSUE NO. II

8. In view of my findings given in respect of Issue No. I, the workmen are not entitled for any relief.

9. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 12 अप्रैल, 2002

का. आ. 1614.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, माउमलुह चेरा सीमेंट लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण

कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-4-02 को प्राप्त हुआ थी।

[सं. एल-29011/12/81-डी-III (बी)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/1982) of the Central Government Industrial Tribunal, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mawmluh Cherra Cement Ltd. and their workman, which was received by the Central Government on 10-4-2002.

[No. L-29011/12/81-D.III(B)]
B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA Reference No. 14 of 1982

PARTIES :

Employers in relation to the management of Mawmluh Cherra Cements Ltd., Cherrapunji.

AND

Their workmen

PRESENT :

Mr. Justice Bharat Prasad Sharma—Presiding Officer.

APPEARANCE:

On behalf of Management.—None.

On behalf of Workman—None.

STATE : Meghalaya INDUSTRY : Cement.

Dated : 3rd, April, 2002

AWARD

By Order No. L-29011/12/81-D.III(B) dated 23rd April, 1982 the Central Government in exercise of its powers under section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Messrs Mawmluh Cherra Cement Limited, Cherrapunji in not providing employment to the workman, whose names are mentioned in the Annexure, after the termination of contract system in their limestone quarries is justified ? If not, to what relief are the workmen entitled ?”

ANNEXURE

1. Shri Jayotish Das,
2. „ Jamaluddin,

3. Shri Gulamiddin,
4. „ Dinesh Dkhar,
5. „ Mangru Uraon,
6. „ Lal Bahadur Thapa,
7. „ Rup Narayan Pradhar,
8. „ Keron Basajmmoit,
9. „ Dayal Munda,
10. „ Mohan Kalawar,
11. „ Drolling Dkhar,
12. „ Bhakta Bahadur Rana,
13. „ Chandra Bahadur Tamang,
14. „ John Munda,
15. „ Nar Bahadur Magor,
16. „ Tilak Bahadur Thapa,
17. „ Gabriel Munda,
18. „ Franeis Khongangi,
19. „ Ojit,
20. „ Jeneral,
21. „ Ewing,
22. „ Pyrkhung,
23. „ Selering,
24. „ Separan,
25. „ Sdang Kupar,
26. „ Tarson,
27. „ Johnson,
28. „ Bulung.

2. When the case is called out today, none appears for either of the parties, nor any step is taken on their behalf to proceed with the case. This is a very old case. It appears from the record that by order dated 22-6-1983 further proceeding of the case was stayed in terms of the order of the Hon'ble High Court at Calcutta. After I took over the charge of this Tribunal, notices were issued to the parties thrice for their appearance and also for informing the Tribunal about the latest position of the case before the Hon'ble High Court, but inspite of service of the notice none of the parties appeared, nor the information required has been supplied. A letter has however been received from the union concerned on 22-2-2002 stating that they are no longer interested to pursue the matter.

3. Since the union itself is no longer interested in pursuing the matter, it is clearly a case of no dispute. The reference is accordingly disposed of by passing a "No Dispute" Award.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,

The 3rd April, 2002.

नई दिल्ली, 12 अप्रैल, 2002

का आ. 1615.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान कॉपर लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण जयपुर के

पंचाट (संदर्भ संख्या 59/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार का 10-4-2002 को प्राप्त हुआ था।

[सं. एल-29011/57/2001-आईआर (विविध)]

बी.एम. डेविड, अवृत्त सचिव

New Delhi, the 12th April, 2002

S.O. 1615.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/2001) of the Central Government Industrial Tribunal, Jaipur, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Copper Ltd. and their workman, which was received by the Central Government on 10-4-2002.

[No. L-29011/57/2001-JR(M)]

B. M. DAVID, Under Secy.

अनुबंध

केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम त्यायालय,
जयपुर

आदेश संख्या : एल-29011/57/2001 (आईआरएम)/
दिनांक 7-11-2001

प्रकरण सं. सी.जी.आईटी. 59/2001

जनरल सेक्रेटरी, राष्ट्रीय कॉपर मजदूर काम्प्रेस, ई-525, III-बी,
खेतड़ी नगर,
जिला झुन्झुनू
बनाम

प्रार्थी यूनि यन

हिन्दुस्तान कॉपर लिमिटेड खेतड़ी नगर, जिला झुन्झुनू

प्रार्थी

उपस्थित :—

प्रार्थी की ओर से : कोई नहीं

अप्रार्थी की ओर से : कोई नहीं

चाट दिनांक : 11-3-2002

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद ओद्योगिक विवाद
अधिनियम 1947 (जिसे बाद में अधिनियम, 1947 कहा
गया है) की धारा 10 की उपधारा (1) के खंड-घ के
प्रावधानों के अन्तर्गत त्यायनिर्णय हेतु निर्देशित किया गया :—

"Whether the action of the management of Hindustan Copper Ltd, Khetri Nagar, Khetri in dismissing Shri Khayali Ram from the service w.e.f. 23-9-97 was justified ? If not, what relief the workman entitled and from what date?"

प्रार्थी की ओर से स्टेटमेंट आँफ क्लेम प्रस्तुत किया गया
जिसमें उल्लेख किए गए तथ्यों का विवरण दिया जाना
इसलिए आवश्यक नहीं है कि प्रार्थी की ओर से कोई साक्ष्य
प्रस्तुत नहीं की गई। विपक्षी की ओर से बावजूद तामील

नोटिस के कोई उपस्थित नहीं आया है। अतः विपक्षी के विरुद्ध एकपक्षीय कार्यवाही की गई व साथ्य प्रार्थी हेतु नारीब 11-3-2002 नियत की गई। आज न तो प्रार्थी व न प्रार्थी के प्रतिनिधि व न ही साथ्य प्रार्थी उपस्थित है। उक्त परस्थितियों में ऐसा प्रकट होता है कि पथकारों में आपस में कोई विवाद नहीं रह गया है, अतः विवाद रहित पंचाट पारित किया जाता है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रसिद्ध की जाए।

ह./ अन्तर्नीय पीठासीन अधिकारी
नई दिल्ली, 12 अप्रैल, 2002

का.आ. 1616 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया माइनिंग कार्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचाट (संदर्भ संख्या 13/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2002 को प्राप्त हुआ था।

[सं. एल-29011/57/2000-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1616.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/2001) of the Central Government Industrial Tribunal Mumbai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Mining Corporation and their workman, which was received by the Central Government on 12-4-2002.

[No. L-29011/57/2000-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

PRESENT :

Shri Justice S. C. Pandey, Presiding Officer.

Reference No. CGIT-13 of 2001

PARTIES :

Employers in relation to the management of
M/s. New India Mining Corporation Pvt. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri T. A. Khan, Manager.

For the Workman : Shri Mamlekar.

State : Maharashtra.

Mumbai, dated the 1st day of April, 2002

AWARD

1. The Central Government has referred the following question to be answered by this Tribunal in exercise of its powers under clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (The Act for short).

“Whether the action of the management of New Delhi Mining Corporation Pvt. Ltd. Redi in discontinuing the benefits of Annual Increments since 1991, VDA, Leave facilities, Holidays, etc. from 1995 is legal and justified? If not, to what relief the workman concerned are entitled for?”

2. Both the parties to reference now filed joint application dated 7-8-2001 that dispute resulting in this reference has been settled out of court. Today Shri Mamlekar for the Union and Shri T. A. Khan stated orally before this tribunal that dispute no longer survives in view of the subsequent settlement out of court. Accordingly, this reference is answered by saying that it has become infructuous on account of subsequent events and the dispute does not survive for an answer by this Tribunal.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 12 अप्रैल, 2002

का.आ. 1617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी.सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट (संदर्भ संख्या 17/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-4-2002 को प्राप्त हुआ था।

[सं. एल-30012/2/93-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 17/1994) of the Central Government Industrial Tribunal, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of O.N.G.C. and their workman, which was received by the Central Government on 10-4-2002.

[No. L-30012/2/93-IR(M)]
B. M. DAVID, Under Secy

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 17 of 1994

PARTIES :

Employers in relation to the management of O.N.G.C.

AND

Their workman.

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCES :

On behalf of Management : Mr. D. K. Ghosh, Advocate with Mr. R. De, Advocate.

On behalf of Workman : Mr. A. Bhadury, Trade Union representative.

STATE : West Bengal. **INDUSTRY :** O.N.G.C.
Dated, 1st April, 2002

AWARD

By Order No. L-30012/2/93-IR(Misc.) dated, 2-5-1994 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of O.N.G.C. 41, Chowringhee Road, Calcutta-71 of not allowing duty to Shri Tapas Bhattacharya after declaring him medically fit on 3-8-89 is justified or not? If not, what relief the workman is entitled to?"

2. The present dispute has been raised by one Shri Tapas Bhattacharya against the management of O.N.G.C. challenging his termination of service in unauthorised manner treating it as retrenchment without compliance of Section 25F of the Industrial Disputes Act, 1947. In his written statement the workman has stated that he was offered employment in Geophysical Party No. 84 as contingent worker by O.N.G.C. and he worked for 58 days during the year 1984-1985. It is also stated that the workman also worked in the subsequent years and according to him, in 1985-1986 he worked for 201 days in 1986-1987 for 135 days, in 1987-1988 for 193 days and in 1988-1989 for 259 days. He also further stated that he was subsequently offered fresh appointment in 1989-1990 and he worked for 235 days and again in 1990-1991 he worked for 234 days upto June, 1991. It has been stated on his behalf that the manner of employment of this kind is improperly designed not to confirm the workman in service by keeping him within the zone of below 240 days and thus the management of O.N.G.C. has been flouting the principles of natural justice and provisions of law by circumventing the process of law to perpetrate injustice to the workman. It is stated that in 1988-1989 the management of O.N.G.C. resorted to unfair labour practice and flouted the rule of law by terminating his service unlawfully. According to him, his service was illegally terminated on 3-8-1989 without observing the formalities of Section 25F of the Act. According to him, he had put in 259 days of service during the year concerned and he had fulfilled the requirement of Section 25B of the Act. It is also stated that for

the purpose of covering their illegal stands the management gave a certificate regarding the work done by him during the year 1988-1989 for 213 days in place of 259 days. He also stated that the management did not pay arrear wages from 19-6-1989 to 3-8-1989 and by adopting unfair labour practice, offered a compensation of a token amount. It is stated that the service of the workman was of the nature of contingent employee, but it was against the principles of natural justice. According to him, in the accounting year 1988-1989 the workman was deployed to work in the Geophysical Party No. 84 on 18-11-1988 and after several months of satisfactory work, the workman met an accident on 29-4-1989. According to him, he sustained some injury in course of this accident and then he was admitted to Nadia District Hospital for treatment by the management of O.N.G.C. He remained there for a few days and he joined his duties on 1-5-1989, but he felt severe pain on his spinal cord on account of injuries sustained by him in course of the accident and the pain was aggravated and then the workman was sent to Park View Nursing Home by the management, where he received treatment upto 20th July, 1989 and he was also advised rest till 2-8-1989 by the attending physician. Thereafter the workman was declared medically fit on 3-8-1989 and accordingly he reported to duty on 3-8-1989 but he was not allowed to join and thus his service was terminated verbally with effect from 3-8-1989 without showing any reason and without complying with the provisions of Section 25F of the Act. It is also stated that the management admitted the workman to the Nursing Home and adopted a peculiar and unfair stand in terminating his service on and from 3-8-1989, though he was declared medically fit to join duties on that date. It is stated that the management got him admitted to the said Nursing Home on 6-6-1989 and he received treatment there upto 2-8-1989, including advised rest, but the management paid wages to the workman only upto 18-6-1989 and from 19-6-1989 to 2-8-1989 the wages could not be paid in spite of repeated demands and it is also further stated that instead of paying him his due wages, the management decided to pay a lump sum amount by way of compensation. It is stated that as the workman was under certified incapacity, the management of O.N.G.C. had duly accepted this position and had granted him medical leave, and, therefore, the workman was entitled to full wages for the period of his certified incapacity and no compensation. It is stated that the verbal termination of service of the workman without compliance of statutory provisions of Section 25F of the Act is ab-initio void, because the total reckoning of the period of work upto 2-8-1989 in the year 1988-1989 was 259 days, which attracted the provisions of Sections 25F and 25N of the Act. It is stated that the workman made several approaches and demands in writing as well as verbally to the management, but his demands were never attended to and thus the management resorted to unfair labour practice. Then the workman approached the Assistant Labour Commissioner (Central), Calcutta on 26-3-1993. Thereafter the management also submitted its comments on 15-7-1993 in which some wrong facts were alleged. Thereafter, the workman filed a cross-comments on 27th July, 1993 and categorically denied all the allegations and contentions of the management. However, the process of conciliation could not materialise in spite of efforts made by the Conciliation Officer and

the matter was then referred to the appropriate authority, the Government of India and accordingly this reference has been made. It is, however, stated that the workman had later accepted the contingent jobs in the subsequent years in 1989-1990 and 1990-1991 also because of the force of poverty without prejudice to his rights with regard to confirmation in service and illegal termination. It is stated that the workman was given verbal order of termination with effect from 3-8-1989 and he was not allowed to join his duty and thus, the whole action of the management is illegal and unjust. It is stated that the management had put-up a false story about the workman allegedly joining the union conference on 29-4-1989 which was incorrect and he had actually met accident while he was proceeding on duty in a vehicle of the Corporation. It is also stated that the work was of perennial nature and because the workman himself was also engaged during the subsequent years 1989-1990 and 1990-1991, it goes to show that there was no dearth of job under the O.N.G.C., but the workman was illegally and improperly removed from service. Accordingly a prayer has been made that he should be reinstated in service with full back wages.

3. In the written statement filed on behalf of the management of the O.N.G.C. it has been contended that the reference itself is not maintainable because it has not been properly raised and the appropriate Government had also not applied its mind in making the reference. However, it has been stated that so far as the material facts are concerned, it is like this. The Oil and Natural Gas Corporation has been formed for exploration and development of petroleum resources and production and sale of petroleum products by it and for matters connected therewith. Geophysical field parties conduct seismic survey, a survey operation for 6 to 7 months in a year depending upon the climatic condition and logistics in different parts of the country and the period of work is termed as field season. Normally field season extends from around mid November to mid June of the following year. This operation is of seasonal nature and also nomadic in character. Geophysical surveys are conducted as a first step in connection with exploration of hydrocarbon and this is a pre-requisite for delineation of suitable structures which possibly can give stresses of hydrocarbons. Topographical surveys help O.N.G.C. to prepare maps of the area of the earth whereas geophysical survey is a tool by which the Corporation can prepare such sub-surface maps at different depths for the purpose of exploration of hydrocarbon. Exploration activities depend upon the data quality collected and recorded in the magnetic tapes. In order to get the best quality data, certain basic parameters are very important to be followed, such as (1) Plantation of geophones, i.e., grip of the geophones with the earth should be firm enough and rigid; (2) There should not be humid and water logging area which become a source of cross-feed or interference, thus deteriorating the data quality etc. There should not be any lightening which induces noise to the cables and to the instruments; and (3). Rain drops also interfere and develop noise to the signals receiver, thus deteriorating the quality of the data. It is stated that it is apparent from the above position that the best quality data and meaningful geological model require certain period of time and the other period has got to be avoided. Therefore, the international practice is to avoid acquisition by seismic method during rainy season as the said type of

job is not at all possible during the period of rainfall and data during the said period, if collected, would be of no practical use. It is stated that consequently during the rainy season or during the time when the area is water logged the seismic or geophysical work cannot be carried out. It is further stated that if the seismic or geophysical work is carried out despite rain and water, the result will be harmful to the Corporation, because in soft and weapt ground condition the nature of the yardstick waves or soft waves changes with the result that spurious noise is generated which mutilates the actual information sought for. It is also stated that because of the wet surface, leakage of electric current takes place in the cable and cable connectors and if data is collected in such condition, the same would not be of any use at all. It is in this connection stated that the requirement of the concerned workman was only during the field season and the appointment is termed as term appointment after the expiry of which the appointment comes to an end automatically and in terms of the contract of employment between the Corporation and the concerned workman. Thus, the service of the workman stood terminated under the stipulation contained in the contract of employment and, therefore, the question of not allowing him to report to duty from 3-8-1989 did not arise, because his term had ended with effect from 25-6-1989. Therefore, it is stated that the whole act of the Corporation was legal, valid and bona fide and the statements made in the different paragraphs of the written statement of the workman have been denied specifically. It is denied that actually the workman had worked for 259 days in the year 1988-1989 and that he had met accident while travelling on duty or that he was granted any leave by the Corporation or that he was not allowed to join on 3-8-1989, as alleged or that he was entitled to the compliance of Section 25F of the Act. It has also been denied that the comments of the management dated 15-7-1993 before the Conciliation Officer was wrong or untrue and it is stated that the contention to the effect that the confirmation in service of the workman being overdue as made on behalf of the workman has no basis. It has also been denied that the management violated the provisions of law and flouted the principles of natural justice and it has been stated that the termination was never effected from 3-8-1989 and hence the question of violation of statutory provision of law did not arise. It is also denied and disputed that O.N.G.C. flouted its own Standing Orders in not confirming the concerned workman and it is stated that the provisions of the Standing Order do not enable the concerned workman to be confirmed. It is accordingly denied that the fact of accident taking place being not on duty is a myth and cooked up allegations. It is stated that the concerned workman did not meet accident while on duty and, therefore, his claim of the period from 19-6-1989 to 3-8-1989 being treated on duty has no basis. It is also stated that the claim of the background of the accident is utterly false and preposterous and it is incorrect to contend that the management offered compensation for the period from 19-6-1989 to 3-8-1989, because there was no question of offering any compensation after 25-6-1989 when the service

of the concerned workman stood automatically terminated in terms of the appointment. It has also been stated that actually during the year 1988-1989 the concerned workman had worked only for 213 days and it is denied that he worked for 259 days or so and accordingly it has been stated that there is no question of non-compliance of Section 25F of the Act in the present case and the entire claim of the workman has no basis and there is no material to support his claim. In this view of the matter, it has been contended on behalf of the management that the present reference is fit to be disposed of by holding that there is no illegality in the removal of the workman or that there is no question of non-compliance of Section 25F of the Act involved.

4. Both the parties led evidence, oral as well as documentary. So far as the oral evidence is concerned, the workman examined himself as WW-1 and Mr. K. K. Dhuria has been examined on behalf of the management as MW-1. The workman as WW-1 has tried to support his claim as made out in his written statement and it has been stated by him that the leave of the period for which he was under treatment was not granted, nor he was informed about the refusal of his leave. It is significant to note that though the workman stated in his written statement that he was working underground during the period of his engagement, in his cross-examination, he has clearly stated that he had no occasion to work underground and he also denied that he stated so in his written statement which is incorrect. He has also stated in his cross-examination that some other persons Ratneswar Mondal, Biswanath Karnakar and Bibhas Mondal were not accompanying him at the time of the accident and he has denied this suggestion that the accident had taken place when he was going to attend a conference and that it was not in course of his duty. However, when he was confronted with a document, Ext. M-3, he denied that it bears his signature, but he was asked to sign on a separate paper, Ext. M-8 and when his signature was compared with other signatures on different documents, it appeared that the signature was his. This Ext. M-3 is a sheet of paper on which the different persons who had met the accident had given their versions and he had stated that he met the accident while he was going to attend the conference of the union and it was not in course of duty. He also admitted the contents of the certificate, Ext. W-6 that he was working in the year 1985-1986 and had worked from 16-4-1985 to 13-6-1985, and also that his work was on the basis of no-work-no-pay. He also further admitted that he was not entitled to be granted leave of any kind. So far as another appointment letter, Ext. W-9 is concerned, he stated that he had no relied any objection at the time of receiving the appointment letter. This appointment letter, Ext. W-9, is the appointment letter which clearly indicates that his appointment was from 18-11-1988 to 24-6-1989 and in this view of the matter, it was suggested to him that actually after termination of the period of engagement, there was no job or work left for him in the Company, which he has denied. But, he has stated that there was no question of refusal to join his duty after the period had expired and it has been suggested that in his case there was no question of notice of termination as his job was already over.

5. So far as MW-1 is concerned, he has stated that in the year 1989-90 he was posted at Calcutta as a Senior Geo-physicist and he knew Tapas Bhattacharjee, the workman concerned, who according to him, was a contingent worker in the field party. According to him, he was engaged in exploration of hydro carbon, gas and oil which is seasonal in nature and according to him the season normally happens to be from November to June. He further stated that the work is not carried on, not it is possible beyond the period of June and he also stated that for the purpose of carrying on the work in field season some persons are appointed on terms appointment and the period of term is also specified and so after the period is over, the services of such persons are not required and it stands terminated. According to him, this process is followed every year. In this context he has stated that an appointment letter was given to the workman concerned vide Ext. M-4 and the duration of appointment was mentioned in it. In this view of the matter, the service of Tapas Bhattacharjee came to an end on 24th June, 1989. From Ext. M-4 it appears that the memorandum of engagement was given to the workman on 18-11-1988, which he had received by signing the same and it was mentioned in it that he was being appointed as contingent casual worker in Geo-physical Party No. 84 on daily wage of Rs. 27.40/- from 18-11-1988 to 24-6-1989. Accordingly, it has been stated by MW-1 that the term of the workman had ended on 24th June, 1989 during this year and there was no extension and the workman had worked for 213 days during the field season 1988-89. The witness has further stated that the workman was again engaged on similar terms of employment during the next season. It has been stated by him that actually this workman had never worked for 259 days during the year in question and the witness has further stated that the workman had availed compensatory off from 7-6-1989 to 18-6-1989 and, accordingly, the witness has denied that the service of this workman was terminated on 3-8-1989, as alleged. The witness has also further stated that this workman did not meet any accident in course of employment and he had also not applied for leave for absence on medical ground. So, there was no system of his reporting for duty after 24th June, 1989. In his cross-examination, he has stated that the workmen like the concerned workman used to be paid on muster roll and the calculation of wages were made on the basis of the daily wage and, accordingly, he has also stated that the certificate, Ext. M-6 has also been prepared on the basis of the muster roll. He has also stated that in their scheme no-one is required to go underground, which was required only in drilling work. The witness has further stated in his cross-examination that on 29-4-1989 there was an accident on a vehicle in which the workman was travelling for attending union meeting and he had sustained some injury. He has also stated that the management had helped those persons sustaining injuries in course of this accident in getting them medical treatment on compassionate ground.

6. So far as the documents are concerned, Ext. W-1 is a slip from some officer of the O.N.G.C. to the Manager of the Park View Nursing Home forwarding the workman concerned for his check-up and treatment. Ext. W-2 is the letter purported to have been sent by

the workman concerned by registered post to the Party Chief of Geo-Physical Party No. 84 stating therein that he was prepared to join his duty on 3-8-1989. Ext. W-2 is the letter issued by the Party Chief or Party NO. 84 to the workman on 3-7-1990 informing him that he should collect his payment towards compensation on medical ground for the period from 19-6-1989 to 3-8-1989. Ext. W-4 is the pay slip of the workman concerned. It relates to June, 1989. Ext. W-5 is the memorandum of engagement of the workman concerned for the period from 7-11-1990 to 30-6-1991 at the rate of Rs. 32.25p. per day. Ext. W-6 is the certificate granted by the Party Chief to the workman concerned showing that he had worked from 16-4-1985 to 13-6-1985. Ext. W-7 is the another certificate granted to the workman by the Party Chief for his work during 7-11-1989 to 1-7-1990 on payment at the rate of Rs. 32.25p. per day. It also indicates that during this year he worked for 235 days. Ext. W-8 is the certificate regarding the work of the workman in 1987-88 from 21-12-1987 to 30-6-1988 and the total period of his work is shown as 193 days. Ext. W-9 is again the memorandum of engagement from 15-11-88 to 24-6-1989. Ext. W-10 is the memorandum of engagement for the year 1989-90 from 7-11-1989 to 24-6-1990 on payment of Rs. 31 per day. Ext. W-11 is the certificate granted to the workman for the year 1987 and he appears to have worked for 135 days during this year from 15-2-1987 to 29-6-1987. Ext. W-12 is the certificate for the work done by the workman in 1985-1986 for a period of 201 days. Ext. W-13 is the representation for payment of wages from 19-6-1989 onwards by the workman. Ext. W-14 is again the claim petition filed by the workman before the General Manager (E), O.N.G.C. for payment of wages from 19-6-1989 to 3-8-1989. Ext. W-15 is the certificate granted to the workman regarding his work during the year 1988-89 which indicates that his period of engagement was from 18-11-1988 to 30-6-1989 and he had worked for 213 days in total. Ext. W-16 is the letter sent by the Party Chief to the workman concerned for collecting compensation amount of Rs. 713 towards medical expenses from 19-6-1989 to 3-8-1989. Ext. W-17 is also the same letter as marked Ext. W-16. Ext. W-8 is the certificate granted to the workman for his work during 1989-1990. Ext. W-19 is the reply filed by the management of the O.N.G.C. before the Assistant Labour Commissioner (C) in the matter of the dispute raised by the workman. Ext. W-20 is the certified Standing Orders regarding the contingent employees of the O.N.G.C.

On the other hand, Ext. M-1 is the detailed statement filed on behalf of the management before the Assistant Labour Commissioner (Central) in the matter of the dispute raised by the workman in which in paragraph 3 it has been clearly stated that the workman had performed duty for 58 days in 1984-85, for 201 days in 1985-86, for 135 days in 1986-87, for 193 days in 1987-88, for 213 days in 1988-89 and for 233 days in 1989-90 and for 235 days in 1990-91. Ext. M-2 is the statutory notice as required under the certified Standing Orders to be given to the workman of the category of the concerned workman and it has been stated in it that the notice should be treated as 7 days notice as per the provision of Clause 14(1) of the certified Standing Order. It was issued on 16th June, 1989. Ext. M-3

is the sheet on which the different persons had noted down their versions of the accident as described earlier. Ext. M-4 is the memorandum of engagement of the workman concerned for the year 1988-89, which has also been exhibited on the part of the workman. Ext. M-5 has been wrongly marked again as it was already marked Ext. M-2. Ext. M-6 is the certificate granted to the workman concerned for his work in the year 1988-89 which shows that he had worked for 213 days and a monthwise break-up has also been given in it. Ext. M-7 is the notice to the workman concerned by the O.N.G.C. to collect his compensation.

7. Now the question to be decided as per the schedule of reference is whether the action of the management of O.N.G.C. in not allowing duty to the workman concerned on 3-8-1989 is justified or not. In this regard it has been contended on behalf of the workman that he had met an accident on 29-4-1989 and then he was referred to the District Hospital at Nadia where he received treatment till 30-4-1989 and then again he came to join on 1-5-1989, but as he started feeling severe pain because of his spinal injury and he was sent to the Park View Nursing Home by the management for his treatment and he received treatment there upto 20-7-1989 and thereafter he was also advised rest till 2-8-1989 and then he turned up at the office on 3-8-1989 to report on duty, but the management did not accept his joining and thus he was thrown out of work, which he had termed as termination or retrenchment with effect from 3-8-89. In this connection he has alleged that prior to 3-8-89 he was supposed to have been on duty, because he was referred for treatment by the management itself and on 3-8-1989 without any formality prescribed under section 25F of the Act, he was removed from service and accordingly it has been submitted on behalf of the workman that it amounts to his illegal termination and he deserves to be reinstated.

8. In this connection, has been submitted on behalf of the management that not only during 1988-89, rather, during several consecutive years, i.e., 1985-86, 1986-87, 1987-88 and 1988-89 he remained engaged by the management as casual worker for field work and always his management was term appointment for specified period and on all occasions on expiry of the term of his appointment, his work ceased. In such a circumstance, such a cessation of work cannot be termed as termination of service or retrenchment as such. It has been stated on behalf of the management that the workman concerned was engaged by the management for the field work with Party No. 84. According to the management the work is done during particular season which is known as field season and generally it is from mid November to mid June. Thus, the operation itself is seasonal in nature and when the field season ends the workman, like the concerned workman engaged, are relieved of their duties and for this reason the question of his termination or retrenchment does not arise and the question of compliance of provisions of Section 25F also does not arise.

9. Several documents have been filed on behalf of the parties in this regard. The workman himself has filed several such appointment letters described as memorandum of engagement. Ext. W-5 is the memorandum of engagement for the year 1990-91. Ext. W-9

is the memorandum of engagement for the year 1988-89. Ext. W-10 is the memorandum for 1989-90 and Ext. W-4 is also the memorandum of engagement for the year 1988-89. In this regard it is also significant to note that though the workman has alleged that he was terminated or retrenched in illegal manner in the year 1988-89, admittedly, he was also engaged in the following two seasons, i.e., during 1989-90 and 1990-91. So, the cessation of work of this workman does not appear to be a case of termination or retrenchment. It has also been submitted on behalf of the management that all the aforesaid memorandum of engagement clearly indicate that the same were accepted by the workman and they bear his signature also and, therefore, it is submitted that by accepting the particular memorandum of engagement, he has accepted the terms mentioned in the particular engagement memorandum which give the clear term of his engagement. So, far as the engagement relating to the year 1988-89 is concerned, it appears that his engagement was from 18-11-1988 to 24-6-1989. In this connection it has also been pointed out on behalf of the management that not only the appointments were made through memorandum of engagement, rather, after the termination of his work on all these occasions, certificates were granted to the workman concerned which were also accepted by him by signing the same and it has been pointed out that Ext. W-15 is the certificate regarding his work during 1988-89, which clearly gives the period of his engagement from 18-11-1988 to 30-6-1989 and the total period of his engagement during this season was 213 days only. It has also been pointed out that the workman himself has also made certain significant statements in his evidence before the Tribunal. It is pointed out that he clearly stated that according to Ex. W-6, which relates to the year 1985-86, his term was from 16-4-1985 to 13-6-1985 and he also further stated that his work was on the basis of no-work-no-pay and he has also further admitted that he was not entitled to be granted leave of any kind. In this view of the matter, it has been suggested to him that after his termination, no job was left for him in the Corporation and, therefore, it has also been suggested that there was no question of refusal on the part of the management to allow him to join duty after the expiry of the period.

10. So far as the claim of the workman is concerned, according to him, while he was moving on duty in the official vehicle, he had met an accident on 29-4-89 and thereafter he was first sent to a District Hospital and then to a Nursing Home for treatment where he received treatment for a considerable period and he was also advised rest and after rest upto 2-8-1989, he turned up to join his duty on 3-8-1989 when it was refused to him and, therefore, it has been contended on behalf of the workman that he should be treated on duty till 2-8-1989 and blank refusal on the part of the management to allow him to join on 3-8-1989 amounts to illegal termination or retrenchment and, therefore, it has been submitted that since the workman is supposed to have been on duty for 259 days during the year, he could not have been removed without compliance of the provisions of Section 25F of the Act and because of non-compliance of this provision, the retrenchment should be treated as illegal and he deserves to be reinstated. In this regard some case laws have also been cited by the learned

Advocate for the workman and these case laws are Eipro International Ltd. v. K. B. Joshi & Ors. [1987 (34) FLR 428]; Management of State Bank of India v. M. Mahapurush [1994 (69) FLR 105], M/s. Delhi Press v. K. S. Sidhu & Ors. [1979(38) FLR 415]; K. Chandramma v. Labour Court-1, Hyderabad & Ors. [1999(77) FLR 538] and Ram Bilas v. State of U.P. & Ors. [1990(60) FLR 567]. But, it appears that the case laws cited on behalf of the workman do not appear to have application in the present case, because all these cases relate to a workman who regularly and continuously worked for 240 days or more in the concern, but in this case the materials on record show that he had worked during that particular season for 213 days only and his term was also specific. It appears that in the memorandum of engagement the term was given as upto 24-6-1989 only, though in the certificate granted it has been shown as 30-6-1989. It is also clear that he had met an accident on 29-4-1989 and was incapacitated to work for a considerable period and he had treatment for long time and ultimately after taking rest as advised, he turned up on 3-8-1989, but, in the meanwhile, his term had expired as per the contract of his employment on 30th June, 1989. Therefore, unless there was any extension in the term, the question of his continuing in service after that date did not arise and it has been submitted on behalf of the management that the present case is not covered by Section 2(oo) of the Industrial Disputes Act, 1947; rather it is covered by exception (bb) of Section 2(oo). This exception (bb) of Section 2(oo) is like this :

"(bb) termination of the service of the workman as a result of the non-renewal of the contract or employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation or that behalf contained therein;"

It has been stated on behalf of the management that neither the workman has stated in his written statement, nor in his evidence, nor there is any material to show that there was any extension of his term. Therefore, it is clearly covered by exception (bb) of Section 2(oo) and, therefore, it cannot be termed as retrenchment. So far as the plea of the workman that because he was being treated at the instance of the management, that period of treatment should be treated as on duty is concerned, it has been clearly stated on behalf of the management that so far as providing the facility of treatment to the workman is concerned, it was on compassionate ground, because the workman concerned was engaged for the field season during several previous years also and he had received injury and, therefore, the management thought it their duty to provide help to him, though the management was not bound to do so, nor the management was under any obligation to do so. It has also been pointed out that not only the management provided treatment to him; rather, it appears that the management had offered a sum to this workman by way of compensation for his treatment and he was informed accordingly by the management through a letter dated 26/28-8-1991, Ext. W-16, which has been filed on behalf of the workman himself and the letter also shows that despite of intimation given

to him in this regard, the workman did not collect the amount of Rs. 713 which was granted in his favour by way of compensation. It has also been pointed out that the workman of contingent category have been classified as temporary and casual employees. It has been pointed out on behalf of the management that the present employment was clearly a contingent employment. It appears from paragraph 2, clause 2 of the certified Standing Orders, Ext. W-20, that a workman who completes 180 days of attendance in any period of 12 consecutive months shall be a temporary workman and if a temporary workman completes 240 days of attendance in any period of 12 consecutive months and possesses the minimum qualification prescribed by the Commission, he may be considered for conversion as a regular employee. It is obvious that the workman had worked for more than 180 days in a season and, therefore, he can be termed as a temporary and not purely casual. So, if he completed a period of 240 days during a particular season, he was qualified to be considered for regularisation of his service, but it appears that he did not complete a period of 240 days and it is also clear that subsequently he has accepted his appointment during the following two seasons, i.e., 1989-90 and 1990-91 also. So, he cannot claim that he was either qualified to be treated as a permanent employee or that the provisions of Section 25F of the Act are applicable in his case.

11. The workman has tried to challenge the plea taken on behalf of the management that he did not receive his injury in course of his duty; rather, he had received his injury while he was going to attend a conference of union and he had gone to the extent of denying his signature also on the endorsement against his name in Ext. M-3, but it was found to be incorrect on comparison of his signature with other documents on record. In this document he appears to have said that he was going by a car in the back seat to attend conference and as a result of accident there was some injury in the back-bone. It clearly goes to show that the injury sustained by the workman was never in course of his duty or in the process of his going to attend duty; rather, it was for some other purpose and, therefore, it also appears that there was no obligation on the part of the management to arrange for his treatment also, but the management had shown generosity because of his old association with the Corporation to provide medical facility to him and the management also offered a sum of Rs. 713 as compensation for his medical expenses.

12. In the circumstance, so far as the term of appointment of the concerned workman is concerned, it ended in June, 1989 and beyond June, 1989, there was no question of his continuing or being treated as in continued service after 30-6-1989. In this view of the matter, his reporting on duty on 3-8-1989 has no significance and the management had no obligation, nor any necessity to accept his joining on 3-8-1989. So far as the correctness or otherwise of the action of the management is concerned, it has been pointed out on behalf of the management that in the Certified Standing Orders, Ext. W-20 in paragraph 14 it has been stated that for termination of employment of a workman, notice in writing shall be given in accordance with the provisions of the

Industrial Disputes Act, 1947, provided that where a temporary workman is entitled to one month's notice under the Industrial Disputes Act, he shall be given at least 7 days notice for termination of employment. It further says that alternatively wages shall be paid in lieu of notice. It has been pointed out on behalf of the management that so far as this provision of the Certified Standing Orders is concerned, Ext. M-5 indicates that the notice to this effect was given to the workman concerned, but the endorsement in the notice shows that he had refused to accept it. In this view of the matter, it cannot be said that the management had not complied with the provisions of paragraph 14 of the Certified Standing Orders. As such, it cannot be said that the cessation of work of the workman on 3-8-1989 amounted to his termination or encroachment in legal sense and the question of such cessation of work or refusal to join being illegal does not arise. Accordingly, it has been pointed out by the learned Advocate for the management that the decisions cited on behalf of the workman are not applicable in the present case, because, so far as the case of Elpro International Ltd. (supra) is concerned, it related to a circumstance of non-production of muster roll and the production of muster roll was probably required for the purpose of continuing work. He had worked for more than 240 days, but it has been contended that for ascertaining the duration or period of his work during the year concerned, Ext. M-4 has been produced and the workman himself has also produced Ext. W-15 which clearly goes to show that he had worked for 213 days only in the year in question. It has also further been contended that so far as the case of the management of State Bank of India (supra) is concerned, it has no application in the present case, because no such application was filed before the Tribunal for directing the management to produce it and the fact which was required to be proved by production of this record has been proved with the help of Ext. M-4 and Ext. W-15. So far as the case of M/s. Delhi Press (supra) is concerned, it has no application, because it related to the competence of the Tribunal to look into the pleadings of the parties and it is pointed out that in this case no evidence has been led beyond pleadings. So, the question of application of this rule does not arise. Similarly, it has been stated that because the facts required to be proved have been proved from the documents produced, i.e., Ext. M-4 and Ext. W-15, the other decisions also do not hold good.

12. It has also been pointed out on behalf of the management that the plea of the workman regarding his having worked for more than 213 days during that field season in question, it has been pointed out that the workman himself as WW-1 has stated in his evidence that he did not raise any objection on receipt of the appointment letter, Ext. W-9 and he has also further stated that according to these appointment letters his service stood terminated on expiry of the period noted therein. In this regard it has been submitted on behalf of the management that it is apt to note the observation of their Lordships of the Hon'ble Supreme Court in the case of Morinda Co-operative Sugar Mills Ltd. v. Ram Kishan (1996 I.A.B. I.C. 221) that "The question is whether such a cessation would amount to

retrenchment. Since it is only a seasonal work, the respondents cannot be said to have been retrenched in view of what is stated in Clause (bb) of Section 2(oo) of the Act. Under these circumstances, we are of the opinion that the view taken by the Labour Court and the High Court is illegal." It has also been pointed out that in case of Escorts Ltd. v. Presiding Officer & Anr. [(1997) 11 S.C.C. 521] it has been observed their Lordships "We do not consider it necessary to go into the question whether the workman had worked for 240 days in a year and whether Sundays and other holidays should be counted, as has been done by the Labour Court, because, in our opinion, Sh. Shetye is entitled to succeed on the other ground urged by him that the termination of services of the workman does not constitute retrenchment in view of Clause (bb) in Section 2(oo) of the Act, Clause (bb) excludes from the ambit of the expression "retrenchment" as defined in the main part of Section 2(oo) "termination of the services of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein". The said provision has been considered by this Court in M. Vengopal v. Divisional Manager, LIC. The appellant in that case had been appointed on probation for a period of one year from 23-5-1984 to 22-5-1985 and the said period of probation was extended for further period of one year from 23-5-1985 to 22-5-1986. Before the expiry of the said period of probation, his services were terminated on 9-5-1986. It was held that since the termination was in accordance with the terms of the contract, though before the expiry of the period of probation, it fell within the ambit of Section 2(oo)(bb) of the Act and did not constitute retrenchment. Here also the services of the workman were terminated on 13-2-1987, as per the terms of contract of employment contained in the appointment letter dated 9-1-1987 which enabled the appellant to terminate the services of the workman at any stage without assigning any reason. Since the services of the workman were terminated as per the terms of the contract of employment, it does not amount to retrenchment under Section 2(oo) of the Act and the Labour Court was in error in holding that it constituted retrenchment and was protected by Sections 25-F and 25-G of the Act."

13. The point has thus been made clear that the case of the workman concerned does not come within the purview of Section 2(oo) of the Act, rather, it falls within exception 'bb' of Section 2(oo) and cannot be termed as 'retrenchment' and compliance of Section 25F of the Act was not at all necessary. As a matter of fact, it is abundantly clear that for several years, even subsequent to the field season in question, the workman had been engaged on term basis and on all occasions, admittedly according to the workman himself in his evidence as WW-1 his engagement ended with the expiry of the term and he always accepted the memorandum of engagement and the certificate to this effect without raising objection. It is, therefore, clear that the workman concerned had tried to take advantage of the peculiar situation created by his accident and hospitalisation by claiming that in the field season in question, he had worked for 259 days or he should have been treated as on duty for 259 days during the particular season and, therefore, not

providing work to him on 3-8-1989 was illegal and improper. The plea taken on behalf of the workman is not fit to be accepted as shown and discussed above. The workman in this case does not appear to be entitled to any relief what-so-ever. The reference is also answered accordingly that there was no illegality in the action of the management.

Dated, Kolkata,

The 1st April, 2002.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 12 अप्रैल, 2002

का.आ 1618.—आर्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं ओरिएट ट्रांसपोर्ट क. के प्रबंधतंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आर्योगिक विवाद में केन्द्रीय सरकार आर्योगिक अधिकरण मुख्य के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-02 को प्राप्त हुआ था।

[म. एल-31011/9/2001-आई आर (एम)]

बी एम. डेविड, अवर सचिव

New Delhi, the 12th April, 2002

S.O. 1618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2123 of 2001) of the Central Government Industrial Tribunal, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Orient Transport Co. and their workman, which was received by the Central Government on 3-4-2002.

[No. L-31011/9/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESNT .

S N. Saundarkar.—Presiding Officer.

Reference No. CGIT-2123 of 2001.

Employers in relation to the Management of
M/s. Orient Transport Co.,

M/s. Orient Transport Co.,
The Managing Director,
7/10, Botawala Building,
3rd Floor, Horniman Circle.
Mumbai-400 001.

AND

Their Workmen,
The Secretary,
Transport and Dock Workers Union,
P.O. Mello Bhawan, Carnac Bunder,
Mumbai-400 038.

APPEARANCES :

For the Employer.—No Appearance.

For the Workmen.—No Appearance

Mumbai, Dated 15th February, 2002

AWARD

The Government of India, Ministry of Labour, by its Order No. L-310119/2001/IR (M), dated 7-11-2001, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this tribunal for adjudication.

“Whether the action of the management of M/s. Orient Transport Co., Mumbai in retrenching the services of S/Sh. Arun Kadam, Sanjay Parab and Sebastian Rebello Jr. Clerks w.e.f 8-5-2001 by not following Section 25(G) of the Act is legal and justified ? If not, what relief the workmen are entitled to?”

2. Notices sent by this Tribunal were received by the management vide (Exhibit-3) and the union vide (Exhibit-4). However, none appeared on their behalf. The Secretary of the union vide letter (Exhibit-5) apprised that they do not represent the workers under reference, and therefore do not participate in the proceedings. It is seen from the record union was given time to file Statement of Claim. However, vide letter (Exhibit-5) referred to above, union is not interested in prosecuting the reference and therefore the following order is passed :

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2002

का.आ. 1619.—ग्रौवोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय गरकार हेवीवाटर प्लांट के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्दिष्ट ग्रौवोगिक विवाद में केन्द्रीय सरकार ग्रौवोगिक अधिकरण, हैदराबाद के पंचांट (मंदसूर संख्या 3/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[म. एल-42012/260/2000-आई आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th April, 2002

S.O. 1619.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2001) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Heavy

Water Plant and their workman, which was received by the Central Government on 17-4-2002.

[No. L-42012/260/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer.

Dated : 28th February 2002
Industrial Dispute No. 3/2001

BETWEEN :

Sri D. Veerabhadram,
Heavy Water Plant, Manugooru,
Aswapuram Post,
Khammam District.

...Petitioner

AND

1. The General Manager,
Heavy Water Plant,
Manugooru,
Aswapuram Post,
Khammam District.

2. Administrative Officer-III,
Heavy Water Plant,
Manugooru,
Aswapuram,
Khammam District.

.. Respondents

APPEARANCES:

For the Petitioner : Sri William Burra

For the Respondent : Sri P. Damodar Reddy.

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/260/2000-IR (DU) dated 27-12-2000 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Heavy Water Plant, Aswapuram, Khammam Dist. (A.P.) and their workman.

SCHEDULE

“Whether the action of the management of Heavy Water Plant (M), Aswapuram in terminating the services of Sri. D. Veerabhadram, Ex-daily rated worker is legal and justified ? If not, to what relief is the applicant entitled?”

This reference was registered as Industrial Dispute No. 3/2001 and notices were issued to the parties.

2. The brief facts stated in the claim statement are: that he joined the respondent unit on 1-12-84 as casual labour and was subsequently conferred with temporary status in terms of DPT OM No. 51016/2/90|Establishment dt. 10-9-93. The petitioner was entrusted with many works in the respondents plant including distribution of dak to various sections. He

was performing duties entrusted to him to the entire satisfaction of the superiors and there was no complaint in the year 1996. The respondent management was however finding fault with the petitioner with clear intention to remove him from the employment in order to reduce the strength of the unit. Therefore the management has been building up a case against him for termination and accordingly they have falsely implicated him alleging that he was found sleeping while on duty and further alleged that he was found in intoxication while performing official duties and also it was arised that he was continuously absent from duty. They could not find any fault from 1984 to 1998 but, subsequently in the years 1997 and 1998 they have build up the case with a view to remove him from services.

3. The management issued show-cause notice on 29-9-1998 for alleged absentee from duty. The petitioner has submitted his explanation vide letter dated 29-9-1998. The respondent management however was not satisfied with the explanation and it was further alleged that the petitioner was found in the state of intoxication while on duty on 17-10-1998 and was found also sleeping in the technical service section at 11.30. The management therefore terminated his services on 3-12-1998 after giving him a months notice.

4. He made an appeal to the General Manager, HWFM, requesting him to retain him in service and respondent however did not consider his case for continuing him in service. He also made an appeal to Chief Executive Officer, Heavy Water Board and the same also turned up.

5. Hence, he made a representation to the Asst. Labour Commissioner(C), Vijayawada in June, 2000 and the said ALC(C) has initiated the conciliation proceedings which ended in failure on 26-12-2000. And he referred it to the Ministry of Labour and thereby the Ministry of Labour made a reference to this Court on 27-12-2000. The petitioner has put in more than 14 years of service. He was also granted temporary status from 1-9-93. The termination is illegal, arbitrary and without following the principles of natural justice. The termination of the petitioner without holding domestic enquiry is against the provisions of the I.D. Act and constitution of India and principles of natural justice. That he has been treated on par with regular Group 'D' employees. Therefore, the Civil Service and Conduct Rules should have been observed and his termination is illegal and improper. Hence the impugned order dated 3-11-98 may be set aside and the respondent may be directed to reinstate the petitioner on duty with full back wages continuity of service and all other attendant benefits.

6. A counter was filed stating that the petitioner Sri. T. Veerabhadram was engaged as casual labour at the time of construction of HWP(Manugooru) on 1-12-1984 and was subsequently conferred on temporary status in terms of DPT OM No. 51016/2/901, Estt. (C), dated 10-9-93. He was entrusted with the work pertaining to helper category including distribution of dak. While performing the duties as casual labour he was in the habit of absenting from duty without taking any prior permission/sanction of leave. He was orally warned by his immediate superiors many times in order to reform him but there was no improve-

ment in his attendance. He did not bother to amend himself and to be regular in duties inspite of the best efforts made by the officials of the respondents office he remained unauthorisedly absent on the following spells causing dislocation of work. The petitioner was resorting to remain unauthorisedly absent during the past years also.

Sl. No.	Month	Year	Date(s) of absence	No of days
1.	January,	1997	8th 9th and 18th	03
2.	February,	1997	5th to 8th	03
3.	March,	1997	14th	01
4.	April,	1997	7th to 11th and 21st	06
5.	May,	1999	12th to 17th and 31st	07
6.	June,	1997	6th 7th 9th, 10th 20th, & 21st	06
7.	June,	1997	7th to 11th	05
8.	Sepember,	1997	8th to 16th	09
9.	October,	1997	30th & 31st	02
10.	November,	1997	1st to 16th	16
11.	December,	1997	8th to 16th	09
12.	January,	1998	6th , 8th, 10th, 17th to 21st	09
13.	April,	1998	6th, 7th, 9th, 28th 30th	06
14.	May,	1998	2nd to 6th, 9th	06
15.	June	(1998)	13th, 18th, to 29th	13
16.	July,	1998	2nd	01

7. However, Sri Veerabhadram attended the office on 27-1-99 by consuming alcohol and in a state of intoxication for which Senior Medical Officer, HWPM Hospital was requested to examine him on medical check-up, it was revealed that he consumed alcohol.

8. On 17-6-98 Sri Veerabhadram while distributing dak at HWP (M) Colony fell down from the vehicle given to him for conveyance i.e. Kinetic Safari No. AP 20 A 4720 on the road. Watchman Sri G. Venkateswarlu saw him and took him to the hospital for treatment. It was revealed that the petitioner was in a state of intoxication and the Administrative Officer requested the Senior Medical Officer to examine him on alcoholic analyzer and submit a report. Accordingly the Senior Medical Officer submitted his report in which it was revealed that petitioner was in a drunken state. He was discharged from the hospital at 8.40 hours on the same day from that day onwards he remained absent upto 29-6-98 and reported for duty on 30-6-98.

9. Industrial Relations Officer HWP(M) was directed to conduct independent domestic enquiry. But, conducted a domestic enquiry on 2-7-98 and submitted report holding that Sri Veerabhadram, is not sincere to duty and attends office in a state of intoxication which is against the principles of discipline. Accordingly a show cause notice was issued to Sri Veerabhadram by the IRO to submit his explanation. He filed reply admitting the charges levelled against him and requested for pardon. Considering the explanation and assurance he was posted to technical service section with a view to watch his conduct before taking a final decision. However, again a complaint vide letter dated 17-10-98

sating that the petitioner has come to office in the state of intoxication on 17-10-98 and slept during office hours. Thus he did not stand on his assurance that he would not commit mistakes in future.

10. As per paragraph 7 of DTP OM No. 51016/2/90-Estt.(C) dated 10-9-93, the services of a casual labourer conferred with temporary status can be terminated by giving one month's notice. Since Sri Veerabhadram admitted the charges specifically, no further inquiry was felt necessary by the Appointing Authority. Therefore a Notice of Termination was issued to Sri Veerabhadram vide Ref. No HWP/M Admn. R/IC9005/98/166 dated 3-11-1998 which was received by him on 11-11-1998 and thus his services stood terminated w.e.f. 10-12-1998(AN). Aggrieved on this Sri Veerabhadram preferred an appeal dated 1-12-1998 requesting reinstatement of his services and the same was examined in detail by the General Manager, HWP(M) being the Appellate Authority and after due consideration, the General Manager ordered that the termination of Shri Veerabhadram from service was justified. Sri Veerabhadram was informed of the same vide letter No. HWP/M/R/IC-9006/98/37 dated 6-1-1999. Even though the petitioner exhausted appellate forum, he preferred further appeal before the Chief Executive, Heavy Water Board, Mumbai, who is the next higher authority to the Appellate Authority vide his application dated nil. The same was also considered thoroughly by the Chief Executive and upheld the decision of the Administrative Officer. Therefore, the petitioner is not entitled to any relief. Further, that it is false to say that they were finding fault with the alleged motive. Sufficient records are available to prove that the petitioner was unauthorisedly absent from duty continuously and under the influence of alcohol on duty. Hence, he is not entitled to any relief and the petition may be dismissed.

11. The petitioner examined himself as WW1 and denied to the facts stated in the petition and further added that he is land loser of five acres which he inherited from his forefathers. Hence, he was given employment in the Respondent company. He joined the company on 1-12-84, and was paid Rs. 350 as salary being the casual labour. He was given temporary status equivalent to class IV sometime in the year 1994. He was treated on par with class IV employees for all purposes like granting of leave, Festival advance etc. Initially he was entrusted with hard labour job and he worked in that capacity for about two years. Subsequently he was attached to the electrical department as helper and worked for about two years. Later, he worked as supervisor for two years. Thereafter he worked in the Transport Department as helper for another two years. He was against posted in the administrative branch in the general section. He was given a moped for effecting local deliveries. He was covering about 40 K.M. per day. As the duties were strenuous he made representations to one and all. But to no avail.

12. While he was suffering from fever and he could not take any food, went from the plant to the colony for delivering the letters on 17-5-98 thinking he felt unconscious letter he was found in the hospital and the Doctor was treating him. He was given injection and medicine and discharged. He was not habituated to drinking but he was taking during festivals, and

marriages with friends. But, he did not come to duty any time in drunken stage. During 1984-5 there was no complaint against him with regard to absence from duties. Whenever he was ill he was sending intimations. He never slept while performing duties. He may be reinstated into service with back wages and attendant benefits.

13. CROSS-EXAMINATION : He has not filed any case in any other Tribunal. He knows Sri D. S. Rao, Administrative Officer. It is not true that Sri D. S. Rao wrote Ex. M1 that he was in drunken condition on Ex. M2, Dr Prasad Rao wrote that he consumed moderate level alcohol. It is not true to suggest that Sri C. Ranga Sai wrote that he met with an accident on duty under the influence of alcohol vide Ex. M3. Dr. M. Lakshmaiah checked him but it is not true to suggest he wrote that Ex. M4 petitioner was under the influence of alcohol. It is not correct to suggest that he sought to explanation vide Ex. M5. The witness added that he was asked to sign on a blank paper. Ex. M6 bears his signature. It is not true that in Ex. M6 he admitted his misconduct. One Sri Prahladh is higher officer to him. It is not true that Sri Prahladh wrote that he was sleeping appearing to be intoxicated vide Ex. M7. He does not know whether he wrote about absence of work vide Ex. M8. He has not received Ex. M11 warning letter dated 14-3-1996. He did not receive Exs. M12 and M13. It is not true to say he is deposing falsely.

14. Sri S. Venkateswarlu, driver with respondent company was examined as WW2 and deposed that he knows WW1 and he was distributing dak. That WW1 wanted a change in the nature of work and he brought it to the notice of the union. He brought to the notice of the officers who did not consider his request. That he was coming to duty regularly. There was no chance to enter the factory in a drunken stage. If anybody is found in drunken stage he will not be allowed to enter the plant and punch his card. The management wanted to reduce the strength of daily rated employees. Hence, WW1 is implicated.

15. Their union is a recognized union. That WW1 used to represent him orally. He knows Sri D. S. Rao, who earlier worked as Assistant A.P.O. and thereafter he has worked as Administrative Officer. That he drinks occasionally at parties and festivals. He knows that higher officers were writing complaints against WW1 about his alleged sleeping, drinking and absenteeism. The witness adds that creating grounds, this complaints were brought into existence. It is not correct that WW1 was not working properly and he is deposing falsely.

16. The witness examined Sri R. P. Acharya as A.P.O. as MW1 who deposed that the work of the plant was suffering due to WW1's absenteeism. He received many complaints from the higher officers of the petitioner on 27-1-1998 he came in drunken condition and Ex. M1 was issued to the Medical Officer. Thereafter examining him issued Ex. M2 opinion. Stating as he was in drunken condition. On 17-6-98 he fell down on duty to distribute the dak and he was found in a drunken condition. He was once again referred to medical officer vide Ex. M3. Ex. M4 is the opinion. A show cause notice was issued. WW1 gave Ex. M5 asking time to submit

explanation and submitted Ex. M6 application admitting the misconduct and also to condone his misconduct. Thereafter he was again found sleeping on duty in drunken condition and Ex. M7 letter was given by his officer. Thereafter he was terminated following the principles laid down by the temporary service rules. He gave explanation vide Ex. M10 admitting the charges. Again he repeated similar misconduct and Ex. M12 was issued to him, warning him to be careful in future. In spite of the said memo there is no improvement in attendance and he absented and Ex. M13 memo was issued to him calling for explanation. There was no improvement and higher officers issued Ex. M14 and Ex. M15 letter but as he did not improve he was dismissed.

17. Cross-examination : Their complaint is not registered under Factories Act. All the provisions of I.D. Act are applicable to it. That they have not issued any charge sheet as it is not mandatory to issue charge sheet and similarly they have not concluded any enquiry since the petitioner admitted all the charges levelled against him as per the show cause notice dated 3-7-98. He denied that enquiry has to be conducted. The petitioner has not lost his land due to establishment of the factory. It is correct that he was given temporary status vide Ex. M17. That he preferred appeal and the appeal was confirmed. He denied that the doctor gave false report. WW1 was delivering dak from one section to another. He was also going to post office. To remit the dak and bring the dak. He was also going to Railway Station to get the reservation for the officers. He denied that if WW1 fell down as he was having high fever and not taken food and not due to drunkenness. That he is not a registered land loser. He denied even if the alleged misconduct is proved, his punishment is disproportionate.

18. It is argued by the Learned Counsel for the petitioner that the petitioner is a land loser of five acres and he joined the company on 1-11-1984 as salary being of the casual labour. He was given temporary status in the year 1994. He does not know drafting and English yet he was posted in tapal section. It is false that he was drunk or sleeping on duty. He submits that no enquiry has been conducted and he relied on Sur Enamel and Stamping Works Ltd. and the workmen, where given a formal enquiry has been conducted. Subsequently he relied on 1976 LAB I.C. page 932 was held that domestic enquiry was necessary and the Labour Court would adjudicate such dismissal when enquiry is illegal. He also relied on 1983 LAB I.C. page 1694 termination of service of a workman, existence of other remedy does not bar him from raising industrial dispute. He also relied on that where no enquiry is made it is open to the Tribunal to consider the merits and take into account facts. He also relied on 1982 LAB I.C. page 1031, where in the Division Bench held that dismissal of workman who was found guilty of misconduct in domestic enquiry, workman can invoke Section 11A and he is not bound to plead guilty in order to seek benefit of section. He therefore submits that the petitioner may be reinstated.

19. The respondent Counsel submits that several opportunities has been given to him and he admitted on several occasions. Therefore, his dismissal of service is very reasonable and this Court may not interfere with the order of dismissal passed by the authority

which is the appointing authority. Therefore, the punishment may be upheld.

20. It may be noted that from the record in the counter itself it is clear from January, 1997 he was unauthorisedly absent till July, 1998 for about 80 days. Any way, that may be besides the points, but it may be seen that on 17-6-98 he fell in a drunken stage and an independent domestic enquiry was conducted and a report was submitted when the petitioner admitted his charges and requested for pardon, he was allowed to work. Again on 17-10-98 the petitioner came to the office in a state of intoxication and slept during office hours. He admitted the charges specifically. In the cross-examination he stated that he signed Ex. M6. He denied that he received a warning letter dated 14-3-96 or Ex. M12 or Ex. M13 even WW2 has admitted that higher officers were writing against the petitioner for sleeping drunken and absenteeism. Further, even it is admitted for arguments sake that then the Tribunal has yet considered its merits and take into account facts as per the Judgement of the Hon'ble Supreme Court Civil Appeal No. 33 of 1961 between Rohtas Industries Ltd. Vs. Ali Hasan. It may be seen that Ex. M1 requesting the Medical Officer to examine the petitioner. The Medical Officer gives Ex. M2 showing that he was under intoxication. Ex. M3 is another letter showing that he fell down from moped in an accident as he was under the influence of liquor. Medical Officer stated in Ex. M4 that he was under influence of alcohol. He was admitted and discharged. Ex. M5 is a letter by the petitioner asking for time to give explanation. Ex. M6 is the clear acceptance of the charges by the petitioner on 22-9-98. So it is clear that even on 3rd September, he was guilty of drunkenness; and he admitted the same under Ex. M6 of his lapse on 3-9-98. Again there is complaint against him on 17-10-98 vide Ex. M7. Ex. M8 is about his absence on 27-2-96. Ex. M9 is also a memorandum issued to him. Ex. M10 is the admission of his guilty by the petitioner. It is dated 8-3-96. Ex. M11 is the warning issued to him. Ex. M12 again dated 28-1-97 showing that he is absent unauthorisedly and again warning. Ex. M13 is another letter showing that he was unauthorisedly absent for 11 days from 4th February, 1997. Similarly, another letter for 1997 is Ex. M14 for unauthorized absence. Ex. M15 is another warning letter dated 14-8-2001. Ex. M18 is another letter dated 22-1-98 for unauthorized absence. Ex. M17 is office order dated 4th February, 1994 granting temporary status to the petitioner. Ex. M18 is show cause notice dated 3-9-98. Ex. M19 is the termination notice. Ex. M20 is victimization of dismissal of appeal. Ex. M22 is an appeal for reconsideration. Ex. M23 is the reply given to the ALC(C). Ex. M24 is the conciliation proceedings. Ex. M25 is the failure report. It may be seen that as per the Hon'ble Supreme Court's Judgement stated supra Rohtas Industries Ltd., in case an enquiry is made it is open to the Tribunal to consider the merits and take into account facts. It may be seen that domestic enquiry was conducted on 2-7-98 and submitted report holding that petitioner is not sincere in his duty. Further petitioner has been admitting his lapses several times. Therefore a notice of termination is given. Accordingly termination notice vide Ex. M18 giving him one month time from the date of which the notice is served to him. From all this it is found that he has been habitually absent and severa

chances have been given to him and added to that he started coming in drunken stage to the work. Question is whether he deserves any leniency and whether Section 11A can be invoked. It may be seen that he has put in service from 1984 onwards and he has been terminated. His services were terminated on 3-12-98, he has been granted temporary status vide Ex. M17 in 1994 with retrospective effect from 1-9-93. It may be seen that seeing that he is a low paid employee, I am of the opinion that the punishment of dismissal from service can be modified. Hence, the reference is ordered accordingly. The action of the management of HWP(M), Aswapuram in which resulted in termination of his services of Ex. Daily rated worker is legal but in the circumstances stated supra, is disproportionate to the gravity of offence. Therefore, the petitioner is directed to be reinstated by the respondent within 30 days from the publication of this Award as casual worker with temporary status on a minimum pay scale and is not entitled for any back wages. And period from dismissal to reinstatement shall not be counted for terminal benefits like pension, gratuity etc.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 28th day of February, 2002.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witness examined for the Petitioner :

WW1 : Sri D. Veerabhadram.
WW2 : Sri S. Venkateswarlu.

Witness examined for the Respondent :

MW1 : Sri R. P. Acharya.

Document marked for the Petitioner :

Ex. W1 : Copy of award in ID No. 55/1988 dt. 3-12-90 and notification dt. 10-1-91.

Document marked for the Respondent :

Ex. M1 : Copy of lr. No. HWP(M)/ADMO/98/16(a) dt. 27-1-98.

Ex. M2 : Copy of lr. No. HWP(M)/HOSP/KRP/MR/98 dt. 27-1-98.

Ex. M3 : Copy of lr. No. HWP(M)/ADMO/98/98 dt. 17-6-98.

Ex. M4 : Copy of lr. No. HWPM/HOSP/14/98/517 dt. 18-6-98.

Ex. M5 : Reply of WW1 to the show cause notice dt. 15-9-98.

Ex. M6 : Representation of WW1 against show cause notice dt. 22-9-98.

Ex. M7 : Copy of lr. No. HWPM/TSS/Misc/98 dt. 17-10-98.

Ex. M8 : Copy of note dt. 27-2-1996.

Ex. M9 : Copy of lr. No. HWPM/Recit./4/1(b)/96/186 dt. 1-3-96.

Ex. M10 : Copy of reply to Ex. M9.

Ex. M11 : Copy of lr. No. HWPM/Recit./4/1(b)/96/223 dt. 14-3-96.

Ex. M12 : Copy of lr. No. HWPM/ADMN(S)/G-489/97/64 dt. 28-1-97.

Ex. M13 : Copy of lr. No. HWP(M)/ADMO/97/32 dt. 6-2-97.

Ex. M14 : Copy of office note dt. 14-5-97.

Ex. M15 : Copy of office note No. HWPM/Recit./Misc. 97/511 dt. 23-7-97

Ex. M16 : Copy of warning letter dt. 22-1-98.

Ex. M17 : Copy of lr. No. HWPM/1/1/12/94/Recit. 139 dt. 4-2-94.

Ex. M18 : Copy of lr. No. HWPM/Admn.R/IC-9006/98/1001 dt. 3-9-98.

Ex. M19 : Copy of lr. No. HWPM/Admn.R/IC-9006/98/166 dt. 3-11-1998.

Ex. M20 : Copy of lr. No. HWPM/R/IC-9006/99 dt. 6-1-99.

Ex. M21 : Copy of lr. No. HWPM/Recit./4/1(b)/99/1347 dt. 28-8-99.

Ex. M22 : Copy of representation of WW1 dt. 9-6-2000.

Ex. M23 : Copy of lr. No. HWP(M)/ADMN(R)/IC-9006/527 dt. 21-6-2000.

Ex. M24 : Copy of conciliation proceedings No. 8/1/00-ALC-VZA dt. 23-6-2000.

Ex. M25 : Copy of lr. No. 8/1/00-ALC-VZA dt. 31-7-2000 and Copy of order No. L-42012/260/2000/IR(DU) dt. 27-12-2000.

Ex. M26 : Copy of pay-slip of WW1 for the month of May, 1999.

Ex. M27 : Copy of representation of WW1 dt. 22-9-1998.

नई दिल्ली, 17 अप्रैल, 2002

का. आ. 1620.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल रिसर्च सेन्टर आँफ इकान्स के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ स. सीजीआईटी-19/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[सं. एल-42011/115/99-आई. आर. (बी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th April, 2002

S.O. 1620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the award (Ref. No. C.G.I.T.-19/2000) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Research Centre on Equines and their workmen which was received by the Central Government on 17-4-2002.

[No. L-42011/115/99-IR(DU)]

KUI DIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT. JAIPUR

Case No. CGIT 19/2000

Reference No. L-42011/115/99-IR(DU) dt. 3-3-2000

Shri Hari Singh S/o Shri Kan Singh
Gram Pirpalsar, Distt. Bikaner
Through Gen. Secy. Bikaner Division
Trade Union Council, 1, Khanjanchi Building,
Bikaner-334001 (Rajasthan). . . Applicant Union

Versus

1. The Director,
National Research Centre on Equines
Sirs Road
Hisar.
2. Scientist-in-Charge.
National Research Centre on Equines
Jordbear, P.O. Shivbari,
Bikaner-334001. . . Non-Applicant

Attendance :

For the Applicant.—None.

For the Non-Applicant.—Shri V. S. Gurjar.

Date of Award.—26-3-2002.

AWARD

The Central Government vide order mentioned above has referred the following dispute under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

"Whether the action of the management of National Research Centre on Equines, Bikaner in terminating the services of workman namely Sh. Hari Singh, S/o Shri Kan Singh, Safai Karmachari in violation of Sections 25F, 25G, 25H of ID Act, 1947 was justified? If not, to what relief the workman is entitled and from what date?"

Applicant filed the statement of claim stating that he was appointed on 1st June, 1993 by the non-

applicant for taking care of horses in its Ashwa Sansthan Jodbear Centre, Distt. Bikaner. He was given oral appointment. He continued to work there up to 12-7-1995. On 18-7-1995 he was not taken on duty. At the time of termination of service no notice or pay in lieu of notice or retrenchment compensation was given to him. It was also stated that no seniority list was published and the principle of "last come first go" was violated. After termination of his services appointment was given to other persons. It was alleged that his services was terminated in violation of Sections 25F, 25G and 25H of the Act, 1947. It was prayed that termination of his services may be set aside and non-applicant may be directed for taking him in service with all benefits.

The non-applicant in reply denied that the applicant had worked continuously from 1-1-93 to 12-7-95 in the establishment of non-applicant. It was also stated that it is not believable that Bikaner Division Trade Union is in existence and applicant is its member. Objection was also taken that the establishment of non-applicant is not an industry and the Tribunal has no jurisdiction to decide the dispute. It was denied that non-applicant terminated the applicant's services. On the other hand it was stated that the applicant had himself absented.

On the basis of the pleadings of the parties the following points of disputes were framed :—

1. आया श्रमिक हरि सिंह ने दिनांक 1-1-1993 से 12-7-1995 तक अप्रार्थी संस्थान में लगातार कार्य किया?
2. आया केन्द्रीय पशु प्रजनन केन्द्र कर्मचारी यूनियन, सूरत-गढ़ व बीकानेर ट्रेड डिवीजन यूनियन अस्तित्व में है व श्रमिक हरि सिंह उक्त यूनियन का सदस्य है?
3. आया विपक्षी संस्थान उद्योग की परिभाषा में नहीं आता है?
4. आया प्रस्तुत प्रकरण का श्वरण क्षेत्राधिकार इस अधिकरण को नहीं है?
5. आया श्रमिक स्वयं कार्य से अनुपस्थित हो गया था व उसको सेवा अप्रार्थीगण के द्वारा समाप्त नहीं की गई?
6. आया अप्रार्थीगण के द्वारा प्रार्थी की सेवा समाप्त औद्योगिक विवापद अधिनियम, 1947 की धारा 25-एफ, जी, एच का उल्लंघन कर किया गया?
7. प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है?

On behalf of the applicant no evidence was produced. On behalf of the non-applicant affidavit of Shri S. N. Tandan was filed and copies of the muster roll were produced.

Heard arguments on behalf of the learned counsel for the non-applicant. The points of disputes are decided as follows :—

Point No. 1.—There is no evidence on behalf of the workman that he worked from 1-1-1993 to 12-3-1995 in the establishment of the non-applicant. On behalf of the non-applicant copies of muster rolls were filed according to which the applicant had worked 68 days during 1993, 93 days during 1994 and 58 days during 1995. It is thus not proved that the applicant had worked continuously from 1-1-93 to 12-3-95.

Point No. 2.—There is no evidence regarding existence of the Union and the applicant being member of the Union. The point is, therefore, decided against the applicant.

Point No. 3 & 4.—The learned counsel of the non-applicant has not pressed these points.

Point No. 5.—There is no evidence that the applicant's services were terminated on 13-7-1995. On the other hand Shri S. N. Tandon whose affidavit remains uncontested has stated that the applicant had continued to work upto 12th August, 1995. His statement is supported from the muster roll of the month of August, 1995 according to which he worked upto 12-8-1995. Muster roll of the month of July, 1995 shows that the applicant was on duty on 12-7-1995 and remained on duty upto 31-7-1995. Thus there was no termination of service of the applicant on 13-7-1995. In these circumstances it appears to be more probable that the applicant has absented himself from 13-8-1995. The muster roll of the year 1995 shows that the applicant had worked for one day in January, 1995. He did not work at all in the month of February, 1995. During the month of March, April, and May, 1995 he worked only for 6, 26 and 3 days respectively. In the month of July, 1995 he had worked for 20 days and in the month of August, 1995 he worked for 8 days. Thus he was working on casual basis which fact also leads to the conclusion that his services were not terminated.

Point No. 6.—There is no evidence that the applicant had worked for 240 days in the year preceding to the alleged date of termination. There is no evidence also regarding violation of the principle of "last come first go" and about giving employment by the non-applicant to the new persons. The termination of the services of applicant is also not proved on the date alleged. Thus it is not proved that the applicant's services were terminated in violation of Section 25F, 25G and 25H of the Act, 1947.

Point No. 7.—The applicant is not entitled to any relief.

The copies of the award may be sent to the Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/- Illegible
Presiding Officer

नई दिल्ली, 17 अप्रैल, 2002

का.आ. 1621.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दाव विभाग के प्रबंधतात्व के मध्य नियोजकों और उनके

कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण चेन्नई, के पंचाट (संदर्भ संख्या 542/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[सं. एल-40012/35/98- आई आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th April, 2002

S.O. 1621.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 542/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Postal Deptt. and their workmen, which was received by the Central Government on 17-4-2002.

[No. 1-40012/35/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 10th April, 2002

PRESENT :

K. KARTHIKEYAN, Presiding Officer.

INDUSTRIAL DISPUTE NO. 542/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 148/98)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri K. Balakrishnan and the Management of the Superintendent of Post Offices, Nagapattinam Division.)

BETWEEN

Sri K. Balakrishnan. . . I Party/Workman

AND

The Superintendent of Post Offices. . . II Party/Management
Nagapattinam Division.

APPEARANCE :

For the Workman : M/s. S. Jothivani & V. Kasturi,
Advocates.

For the Management : Mr. Jo. Jayanathan, Advocate.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned dispute for adjudication vide Order No. L-40012/35/98-IR(DU) dated 30-10-98/18-11-98.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No. 148/98. When the matter was pending enquiry in that Tribunal, as per the orders of the Central Government, Ministry of Labour this case has also been transferred from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, the case has been taken on file as I.D. No. 542/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before

this Tribunal on 12-03-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case by filing their Claim Statement and Counter Statement respectively.

When the matter came up before me for final hearing on 18-03-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on the side of the I Party/Workman, and after hearing the arguments advanced by the learned counsel on either side, this matter having stood over till this date for consideration, this Tribunal has passed the following :

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

"Whether the action of the management of the Superintendent of Post Offices, Nagapattinam Division Nagapattinam, in terminating the services of Sri B. Balakrishnan from the post of Extra Departmental Mail Carrier is legal and justified? If not, what relief the concerned workman is entitled to?"

2. The averments in the Claim Statement filed by the I Party/Workman Sri K. Balakrishnan (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner was working as Extra Departmental Agent in the II Party Management, Superintendent of Post Office, Nagapattinam Division, as a substitute at Marakkal Avvampet S.O. for many spells. The post of Extra Departmental Mail Carrier, Marakkal Avvampet fell vacant due to the dejection of regular holder of that post Sri Mohamed Yees and consequently, the post fell vacant on a regular basis. The Assistant Superintendent of Post Offices, Tiruvarur Sub Division by considering the ability and suitability of the Petitioner after classification appointed the Petitioner as Extra Departmental Mail Carrier, Marakkal Avvampet on 3-11-95. The Petitioner was paid the pay and allowances by the Postmaster, Tiruvarur through the establishment pay bills and regular pay bills. The Petitioner was rendering his services to the entire satisfaction of his superiors without any blemish and without any complaints from the public. The Petitioner was terminated from service by the II Party/Management on 24-3-1997 without issuance of any notice or show cause or notice pay. If all the services of the Petitioner to be terminated the II Party/Management ought to have given an opportunity to the Petitioner to put forth his case and the future will amount to violation of principles of natural justice and in violation of Article 311(2) of Constitution of India. The termination of the Petitioner from service without issuance of any notice or order or notice pay is in violation of Section 25F of Industrial Disputes Act, 1947 in which, the termination of the Petitioner from service from the post of Extra Departmental Mail Carrier, Marakkal Avvampet S.O. is illegal, arbitrary void ab initio and non est in the eve of law and it amounts to unfair labour practice exercised by the II Party/Management. The Petitioner is entitled to reinstatement with all concomitant service and monetary benefits. Hence, this Hon'ble Tribunal may be pleased to direct the II Party/Management to reinstate the Petitioner into service with all concomitant service and monetary benefits.

3. The averments in the Counter Statement filed by the II Party/Management, The Superintendent of Post Offices, Nagapattinam Division (hereinafter refers to as Respondent) are briefly as follows :—

The post of Extra Departmental Mail Carrier, Marakkal Avvampet Sub Post Office fell vacant w.e.f. 3-11-1995 due to resignation of the permanent incumbent of the post. The Assistant Superintendent of Post Offices, Tiruvarur Sub Division is the appointing authority for the said post to run the services uninterrupted. The appointing authority initiated action and placed the Petitioner to act as Extra Departmental Mail Carrier, Marakkal Avvampet Sub Post Office w.e.f. 3-11-1995 purely on stop gap arrangement pending finalisation of regular appointment. The Employment Exchange was addressed to sponsor candidates and on sponsoring 20 candidates on 27-5-96 by the Employment Exchange an interview was fixed on 18-6-96. In the meanwhile, it was ordered that

no appointment shall be finalised before release of the appointment dovetailed list of candidates and therefore, the selection process was kept in abeyance. Finally, the selection was completed and one Sri K. Ganesan was selected and appointed as Extra Departmental Mail Carrier, Marakkal Avvampet Sub Post Office w.e.f. 24-3-1997 terminating the local stop gap arrangement. The Post Office is not an industry and therefore, the Petitioner is not entitled to seek any remedy before this Tribunal under the provisions of Industrial Disputes Act, 1947. The Superintendent of Post Offices, Nagapattinam Division is only the controlling authority of the Assistant Superintendent of Post Offices, Tiruvarur Sub Division, Tiruvarur. As per the rules under P & T.E.D Agents (Conduct & Service) Rules, 1964, the regular appointment has to be made calling for candidates from Employment Exchange. The Petitioner was paid the duty pay and allowances for the period for which he was engaged through the Postmaster. The contention of the Petitioner that his pay was drawn through pay bills is not a valid argument for his claim to the post of Extra Departmental Mail Carrier as he is neither a Employment Exchange candidate nor a dovetailed list candidate. The Petitioner was merely placed in charge of the post, on a stop gap arrangement, which was prone to termination at any time. Therefore, the claim of the Petitioner is not justified and reasonable. As per the judgement of the Supreme Court, the Post Office is not an industry. Therefore, no protection under-Section 25F will be given to the Petitioner under the provisions of Industrial Disputes Act, 1947. Issuance of show cause notice is not at all necessary. No violation of principles of natural justice or the provisions of Article 311(2) of the Constitution of India has been done. Moreover, the appointment to the post of Extra Departmental Mail Carrier is governed by the P & T E.D. Agents (Conduct & Service) Rules, 1964. As the Petitioner was placed as Extra Departmental Mail Carrier purely on stop gap arrangement pending finalisation of regular selection for the post, the Petitioner has no claim over the post. In the circumstances, the Respondent prays that the claim of the Petitioner may be dismissed by this Hon'ble Tribunal, as it is vexatious, unsustainable and totally devoid of merits.

4. When the matter was taken up for enquiry, no one has been examined as witness on either side. With the consent of the counsel on either side, the xerox copy of the service certificate dated 9-4-1997 issued by Sub Postmaster, Marakkal Avvampet for the Petitioner Sri K. Balakrishnan has been marked as Ex. W1. On the side of the Respondent, no document has been marked. The learned counsel on either side have advanced their respective arguments.

5. The Point for my consideration is :—

"Whether the action of the management of the Superintendent of Post Offices, Nagapattinam Division Nagapattinam, in terminating the services of Sri K. Balakrishnan from the post of Extra Departmental Mail Carrier is legal and justified? If not, what relief the concerned workman is entitled to?"

Point :—

This industrial dispute has been raised by the Petitioner Sri K. Balakrishnan challenging the action of the management of the Superintendent of Post Offices, Nagapattinam Division, Nagapattinam in terminating his services from the post of Extra Departmental Mail Carrier as illegal and unjustified. It is admitted that the post of Extra Departmental Mail Carrier, Marakkal Avvampet Sub Post Office fell vacant from 3-11-1995 due to resignation of the permanent incumbent of the post. It is also admitted that the Assistant Superintendent of Post Offices Tiruvarur Sub Division, Tiruvarur is the appointing authority for the said post and that he initiated action to run the service uninterrupted by placing the Petitioner to act as Extra Departmental Mail Carrier, Marakkal Avvampet Sub Post Office w.e.f. 3-11-1995. It is the contention of the Respondent/Management that it is only a stop gap arrangement, pending finalisation of regular appointment. The Petitioner was non-employed on 24-3-1997. The Petitioner would contend that the non-employment of the Petitioner subsequent to 24-3-97 amounts to termination from service and such termination of the Petitioner from service without issuance of any notice or order or notice pay is in violation of Section 25F of Industrial Disputes Act, 1947 and hence it is illegal, arbitrary, void ab initio and non est in the eve of law. It also amounts to unfair labour practice exercised by the Respondent and that

in view of that illegality committed by the Respondent, the Petitioner is entitled for reinstatement in service with all monetary benefits.

6. It is the contention of the Respondent|Management that the post of Extra Departmental Mail Carrier, Manakkal Ayyampet fell vacant due to the resignation of the permanent incumbent of the post and hence, as per the rules under P&T E.D. Agents (Conduct & Service) Rules, 1964, regular appointment has to be made calling for candidates from the Employment Exchange and on sponsoring 20 candidates by the Employment Exchange on 27-5-1996 in the request of the Respondent, an interview was fixed on 18-6-1996 and the selection process was kept in abeyance, since it was ordered that no appointment shall finalise before release of the appointed dovetailed list of candidates and that finally, the selection was completed and one Sri K. Ganesan was selected and appointed as Extra Departmental Mail Carrier, Manakkal Ayyampet Sub Post Office w.e.f. 24-3-1997, terminating the local stop gap arrangement. It is further contended on the side of the Respondent that the Petitioner is neither a Employment Exchange candidate nor a dovetailed list candidate to claim the post of Extra Departmental Mail Carrier and since he was merely placed in charge of the post on a stop gap arrangement, which was prone to termination at any time, the claim of the Petitioner is not justified and reasonable and since the Supreme Court has held in a judgement that the post office is not an industry, the Petitioner cannot be given any protection under Section 25F of Industrial Disputes Act, 1947 and that issue of show cause notice is not at all necessary and there was no violation of principles of natural justice or the provisions of Article 311(2) of Constitution of India, when the Petitioner was non-employed on appointing the selected candidate Sri K. Ganesan as Extra Departmental Mail Carrier, Manakkal Ayyampet Sub Post Office w.e.f 24-3-1997 and that as the Petitioner was placed as Extra Departmental Mail Carrier, purely on stop gap arrangement, pending finalisation of regular selection of the post, he has no claim over the post as observed by the Hon'ble Supreme Court in Civil Appeal No. 6682 of 1997.

7. The Petitioner was working as Extra Departmental Mail Carrier at Manakkal Ayyampet Sub Post Office from 3-11-95 to 24-3-97 continuously is not disputed. The Xerox copy of the service certificate dated 9-4-1997 issued in favour of the Petitioner Sri K. Balakrishnan by the Sub Postmaster, Manakkal Ayyampet is Ex. W1. Admittedly no order of appointment was given to the Petitioner, when he was engaged by the Respondent Department from 3-11-1995. While terminating his service also, the Respondent has not issued the Petitioner any order of termination of service. It is the contention of the learned counsel for the Respondent|Management in his argument that the Petitioner was not given any permanent appointment, but he was engaged to work as Extra Departmental Mail Carrier, Manakkal Ayyampet S.O temporarily in the vacancy caused due to the resignation of the regular incumbent and it is only a provisional appointment and hence, the Petitioner is not eligible for notice under Section 25F of Industrial Disputes Act, 1947. The Hon'ble Supreme Court in a case reported as 1997 8 SCC 767 between General Manager Telecom and A. Srinivasa Rao and others had held that 'the decision of the Supreme Court by Two Judge Bench in a case reported as 1996 8 SCC 489 between Sub Divisional Inspector of Post and Theyyam Joseph that "postal department is not an industry cannot be treated as laying down a correct law" and overruled that earlier decision by the Supreme Court. So from this, it is seen that the contention by of the Respondent|Management in their Counter Statement that postal department was held to be not an industry by the Supreme Court and therefore, no protection under Section 25F would be given to the Petitioner under the provisions of Section 25F of Industrial Disputes Act, 1947, cannot be accepted as correct. The learned counsel for the Petitioner would argue that as per the service certificate Ex. W1 given to the Petitioner for his continuous service from 3-11-1995 to 24-3-1997, the Petitioner has worked continuously for more than 240 days and thereby the provisions under Section 25F is attractive and non-issuance of notice in writing prior to retrenchment of the Petitioner by the Respondent is a violation of Section 25F of Industrial Disputes Act, 1947. Further, no compensation has also been given to the Petitioner, in view of his retrenchment from service as per Section 25F of the Industrial Disputes Act, 1947. From the available materials in this case, it is seen that the argument advanced by the learned counsel for the Petitioner can be accepted as correct. In a case reported as 1981 2 LLJ 17 between

Mohan Lal and Bharat Electronics Ltd., the Hon'ble Supreme Court has held that 'before a workman can complain of retrenchment being not in consonance with Section 25F, he has to show that he has been in continuous service for not less than one year under that employer, who has retrenched him from service. As per service certificate Ex. W1, it is proved that the Petitioner was in continuous service for more than 240 days, since he has worked continuously from 3-11-1995 to 24-3-1997. As it is held by the Supreme Court in the above cited cases, the termination of the Petitioner from service, which is in violation of provision under Section 25F of the Industrial Disputes Act, 1947, is ab initio void.

8. It is the contention of the Respondent|Management in their Counter Statement that the Petitioner was not appointed to this post of Extra Departmental Mail Carrier, Manakkal Ayyampet Sub Post Office by regular procedure of recruitment as per the rules of P & T E.D. Agents (Conduct & Service) Rules, 1964 by calling for candidates from the Employment Exchange and by conducting selection of suitable candidate from that sponsored candidates and the Petitioner not being a candidate in the dovetailed list, he cannot claim to have a right over the post, since he has been engaged in that post only on a stop gap arrangement. For this, the learned counsel for the Petitioner would argue that the post of Extra Departmental Mail Carrier, Manakkal Ayyampet Sub Post Office became vacant due to the resignation of permanent incumbent of the post and hence, this Petitioner was engaged in that post w.e.f. 3-11-1995 and the post is continuously available and while selecting a candidate to be posted as permanent employee in that vacant post, the Petitioner's continuous service from 3-11-1995 till the date of his retrenchment has not at all been considered by the Respondent|Management and having worked in that post continuously for more than 240 days, the Petitioner is having a preferential position that any other new incumbent and the Respondent could have offered the Petitioner also to compete in the selection along with the Employment Exchange sponsored 20 candidates for this post. Hence, under such circumstances, the Petitioner may be considered for future employment of such post and the Respondent|Management may be directed to include the name of the Petitioner in the dovetailed list maintained by the Nagapattinam Division as it has been done at the time of selection process for this post and for selecting one Sri K. Ganesan for this permanent vacancy. So, under the said circumstances, the argument advanced by the learned counsel for the Petitioner is more plausible and acceptable. Hence, it is concluded that the action of the management of the Superintendent of Post Offices, Nagapattinam Division, Nagapattinam in terminating the services of Sri K. Balakrishnan from the post of Extra Departmental Mail Carrier of Manakkal Ayyampet Sub Post Office without following the procedure under Section 25F of the Industrial Disputes Act, 1947 is illegal and unjustified. In view of the request made by the counsel made by the Petitioner on behalf of the Petitioner, which is justifiable in the circumstances of this case, the Respondent|Management is directed to include the name of the Petitioner also in the dovetailed list maintained for Nagapattinam Division to consider the Petitioner Sri K. Balakrishnan's name also in the future vacancies to the post of Extra Departmental Mail Carrier in the Department under the Respondent|Management. Thus, the issue is answered accordingly.

9. In the result, an Award is passed holding that the Petitioner Sri K. Balakrishnan is entitled to have his name included in the dovetailed list maintained by the Nagapattinam Division of the Respondent|Management and hence, the Respondent, the Superintendent of Post Office, Nagapattinam Division, Nagapattinam is directed to include the name of the Petitioner Sri K. Balakrishnan in the dovetailed list of the Division under his control. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 10th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : Nil.

Exhibits marked :—

For the I Party|Workman :—

Ex. No. Date Description

W1 9-4-1997 Xerox copy of the service certificate issued by the Sub-Postmaster in favour of the Petitioner.

For the II Party|Management: —Nil.

नई दिल्ली, 17 अप्रैल, 2002

का.आ. 1622.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधतांत्र के संबद्ध नियोजकों और उसके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 543/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[सं. एल-40012/37/98-श्राई आर. (डी. पू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th April, 2002

S.O. 1622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 543/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 17-4-2002.

[No. L-40012/37/98-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

WEDNESDAY, the 10th April, 2002

PRESENT :

K. KARTHIKEYAN, Presiding Officer.

INDUSTRIAL DISPUTE NO. 543/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 149/98)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri P. Panchanathan and the Management of the Superintendent of Post Offices, Nagapattinam Division]

BETWEEN

Sri P. Panchanathan : I Party/Workman.

AND

The Superintendent of Post Offices : II Party/Management.
Nagapattinam Division.

APPEARANCE :

For the Workman : M/s. S. Jothivani and V. Kasturi,
Advocates.

For the Management : Mr. Jo. Jayanathan, Advocate.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) have referred the concerned dispute for adjudication vide Order No. L-40012/37/98-IR(DU) dated 30-10-1998/18-11-1998.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No. 149/98. When the matter was pending enquiry in that Tribunal, as per the orders of the Central Government, Ministry of Labour this case has also been transferred from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, the case has been taken on file as I.D. No. 543/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before

this Tribunal on 12-3-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case by filing their Claim Statement and Counter Statement respectively.

When the matter came up before me for final hearing on 18-3-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let it on either side and after hearing the arguments advanced by the learned counsel on either side, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt, for adjudication by this Tribunal is as follows :—

"Whether the action of the management of the Superintendent of Post Offices, Nagapattinam Division Nagapattinam, in terminating the services of Sri P. Panchanathan from the post of Branch Post Master is legal and justified? If not, what relief the workman is entitled to?"

2. The averments in the Claim Statement that by the I Party/Workman Sri P. Panchanathan (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner was engaged as substitute Extra Departmental Agent from 1991 to 1995 for various spells at Sholaman-galam, Sholacherry, Thazhakudi and Ammaipappan post offices. The post of Extra Departmental Branch Postmaster at Thazhakudi became vacant due to the promotion of the regular holder of the post Sri Jayapandian as Postman. The Assistant Superintendent of Post Offices, Tiruvarur Sub Division, called for applications for selection to fill the post. The petitioner has also submitted his application along with necessary testimonials and in view of eligibility and suitability of the Petitioner. The Petitioner was selected and appointed as Extra Departmental Post Master at Thazhakudi P.O. on provisional basis w.e.f. 1-2-1996. The Petitioner was working in that capacity continuously without any break till 18-2-1997. During his officiation, he was paid the pay and allowances through the regular establishment bills and equitance rolls. The Assistant Superintendent of Post Offices, Tiruvarur Sub Division terminated the services of the Petitioner on 18-2-97 without issue of any notice and notice pay. The order of termination passed without complying the provisions of Section 25F of Industrial Disputes Act, 1947 is illegal, arbitrary and in violation of principles of natural justice and an unfair labour practice exercised by the Respondent. In view of non-compliance of provisions of Industrial Disputes Act, 1947 the order of termination is non-est in the eye of law and is void and ab initio. In view of the illegality in the issuance of order of termination the Petitioner is entitled for the protection under Industrial Disputes Act, 1947 and the Petitioner is entitled for reinstatement with all consequential service and monetary benefits. Hence, it is prayed that this Hon'ble Tribunal may be pleased to pass an award directing the Respondent to reinstate the Petitioner with all consequential service and monetary benefits.

3. The averments in the Counter Statement filed by the II Party/Management. The Superintendent of Post Offices, Nagapattinam Division (hereinafter refers to as Respondent) are briefly as follows :—

The Extra Departmental Branch Postmaster post at Thazhakudi fell vacant due to promotion of the regular incumbent of the post as Postman. To fill up the vacancy in stop gap arrangement, with a view to maintain the services uninterruptedly, the Petitioner was placed in charge for the Branch Post Office at Thazhakudi on 1-2-1996. In the meantime, action was initiated to prepare a dovetailed list for candidates, who have rendered services for a given period within the given date specified by the Court so as to absorb in regular vacancies in the Extra Departmental cadre. Accordingly, one Sri Mani, a candidate from the dovetailed list was found to possess the requisite qualification of property, education and

being more meritorious than other candidates was selected and appointed as Branch Postmaster, Thazhakudi w.e.f. 19-2-1997. As per the recent judgement of the Supreme Court, no protection could be given under Section 25F of Industrial Disputes Act, 1947 against termination of the services of candidates who were worked for more than 240 days under the provisions of the said Section, since the Post Office cannot be termed as an industry under Section 2(j) of the Act. The appointment to the post of EDBPM will be governed by P & T E.D. Agents (Conduct and Service) Rules, 1964. The Petitioner is only a stop gap appointee and he cannot claim protection under Section 25F of Industrial Disputes Act, 1947. The Petitioner was paid the consolidated allowances during the stop gap period for which he was engaged. The Petitioner is not a doctored list candidate of the Division and hence, his claim cannot be considered under the Industrial Disputes Act, 1947. Issue of notice before termination of the services of the Petitioner, who was purely placed in charge of the branch office on a stop gap arrangement is not at all necessary. As such there is no illegality, arbitrariness and violation of principles of natural justice in the action of the Respondent. In the circumstances, it is prayed that the claim of the Petitioner may be dismissed as vexatious, unsustainable and totally devoid of merits.

4. When the matter was taken up for enquiry, no one has been examined as witness on either side. With the consent of the counsel on either side, documents of either side have been marked as Ex. W1 and W2 and M1 respectively. The learned counsel on either side have advanced their respective arguments.

5. The Point for my consideration is—

"Whether the action of the management of the Superintendent of Post Offices, Nagapattinam Division Nagapattinam, in terminating the services of Sri P. Panchanathan from the post of Branch Post Master is legal and justified? If not, what relief the workman is entitled to?"

Point :—

This Industrial Dispute has been raised by the Petitioner Sri P. Panchanathan challenging the action of the management of the Superintendent of Post Offices, Nagapattinam Division, Nagapattinam in terminating the services of Sri P. Panchanathan from the post of Branch Post Master as illegal and unjustified. It is admitted that the post of Extra Departmental Branch Post Master, Thazhakudi fell vacant due to promotion of regular incumbent of the post as Postman. It is the contention of the Respondent that to fill up the vacancy with a view to maintain the services uninterrupted as a stop gap arrangement, the Petitioner was placed in charge of Branch Post Office, Thazhakudi on 1-2-96. It is the averment of the Petitioner in his Claim Statement that the Assistant Superintendent of Post Offices, Tiruvanur Sub Division called for applications for selection to fill that post and that the Petitioner also has submitted the application along with necessary testimonials and in view of the suitability and eligibility of the Petitioner, the Petitioner was selected and appointed as Extra Departmental Branch Post Master at Thazhakudi B.O. on provisional basis w.e.f. 1-2-1996 and he was continuously working in that capacity without any break till 18-2-1997. In support of this contention, the xerox copy of the order of provisional appointment dated 1-2-1996 has been filed as Ex. W1. It is the further contention of the Petitioner that the Assistant Superintendent of Post Offices, Tiruvanur Sub Division terminated the services of the Petitioner on 18-2-1997 without issue of notice and notice pay and the order of termination passed without complying the provisions of Section 25F of Industrial Disputes Act, 1947 is illegal, arbitrary and in violation of principles of natural justice and also the unfair labour practice exercised by the Respondent. So, the said order of termination is non-existent in the eye of law and void ab-initio. But the Respondent would contend in their Counter Statement that action was initiated to prepare the doctored list of candidates, who had rendered services for a given period within the given date specified by the Court so as to absorb in regular vacancies in the Extra Departmental cadre and accordingly, one Sri Manian, a candidate borne on the doctored list, who was found to possess the requisite qualification of property, education and found to be more meritorious than other candidates was

selected and appointed as Branch Post Master, Thazhakudi w.e.f. 19-2-1997 terminating the local stop gap arrangement and that as per the judgement of the Supreme Court since the post office cannot be termed as an industry under Section 2(j) of the Industrial Disputes Act, 1947, no protection could be given to the Petitioner under Section 25F of the Industrial Disputes Act, 1947 against his termination from service through he worked more than 240 days under the provisions of that said Section and that the Petitioner has been appointed as a stop gap appointee, he cannot claim protection under Section 25F of the Industrial Disputes Act, 1947. So, there is no illegality or arbitrariness and violation of principles of natural justice in the action of the Respondent. It is further contended in the Counter Statement of the Respondent/Management that the Petitioner is not a doctored list candidate, his claim to reinstate in service as Extra Departmental Branch Post Master, Thazhakudi B.O. with all service and monetary benefits is not justified and reasonable. The appointment order under Ex. W1 and the service certificate issued to the Petitioner by the Sub Postmaster, Ammaiappan, the xerox copy of the same has been marked as Ex. W2, are not disputed by the Respondent. From the service certificate Ex. W2, it is evident that the Petitioner was in continuous service by working as Branch Post Master of Thazhakudi branch office from 1-2-1996 to 18-2-1997 has put in more than 240 days of continuous service immediately prior to the date of his retrenchment. Further, the Hon'ble Supreme Court in a case reported as 1997 8 SCC 767 between General Manager, Telecom and A. Srinivasa Rao and others had held that the decision of the Supreme Court by a Two Judge Bench in a case reported as 1996 8 SCC 489 between Sub Divisional Inspector of Post and Theyyan Joseph that 'postal department is not an industry cannot be treated as laying down a correct law' and overruled the earlier decisions of the Supreme Court that post office is not an industry. So, from this it is seen that the contention of the Respondent/Management in their Counter Statement that the postal department was held to be not an industry by the Supreme Court and therefore, no protection under Section 25F would be given to the Petitioner under the provisions of Section 25F of Industrial Disputes Act, 1947, cannot be accepted as correct. The learned counsel for the Petitioner would argue that as per the service certificate Ex. W2 issued by Sub Postmaster, Ammaiappan, to the Petitioner shows that the Petitioner has worked continuously for more than 240 days immediately preceding to the date of his termination from service on 18-2-1997. Therefore, the provisions under Section 25F is applicable to the Petitioner's case, since prior to his termination from service, no notice has been issued to the Petitioner in writing and hence, such an action of the Respondent/Management action is violation of Section 25F of Industrial Disputes Act, 1947. She would further contend that no compensation has also been given to the Petitioner in view of his retrenchment from service as per provision of Section 25F of Industrial Disputes Act, 1947 and hence the action of the Respondent/Management in terminating the services of the Petitioner without complying with the provisions of Section 25F of Industrial Disputes Act, 1947 is illegal and unjustified. In a case reported as 1981 2 LLJ 17 between Mohanlal and Bharat Electronics Ltd, the Hon'ble Supreme Court held that before the workman can complain of retrenchment being not in consonance with Section 25F, he has to show that he has been in continuous service for not less than one year under that employer who has retrenched him from service. Here, in the case, as per the service certificate Ex. W2 issued to the Petitioner, it is seen that the Petitioner was in continuous service for more than 240 days, since he has worked continuously from 1-2-1996 to 18-2-1997. Therefore, as per the above cited decision of the Supreme Court, the Petitioner has proved by undisputed evidence of Ex. W2 service certificate, to avail the provision under Section 25F of the Industrial Disputes Act, 1947. The fact that the Respondent/Management has not issued any notice, notice pay or retrenchment compensation to the Petitioner while retrenching him from service is not denied by the Respondent/Management. So, it is seen that while terminating the service of the Petitioner, the Respondent/Management by not complying with the requisite provision under Section 25F of the Industrial Disputes Act, 1947, they have committed the violation of legal provision of Industrial Disputes Act and hence the action of the Respondent/Management in terminating the services of the Petitioner as Extra Departmental Branch Post Master, Thazhakudi is illegal and unjustified.

6. It is the contention of the Respondent|Management that the selection for the post of Extra Departmental Branch Post Master, Thazhakudi will be governed by P & T ED Agents (Conduct & Service) Rule, 1964 and the Petitioner is not appointed following that service rules, but was placed on stop gap arrangement to run the services without any interruption and he is not a dovetailed list candidate, the claim of the Petitioner is not justified and reasonable. It is their further contention that one Sri Manian, a candidate borne on the dovetailed list was found to be meritorious than the other candidate was requisite educational qualification and of property, he was selected and appointed as Branch Post Master, Thazhakudi w.e.f. 19-2-1997. It is further contended by the learned counsel for the Respondent|Management that the Petitioner not taking a candidate in the dovetailed list, he cannot claim to have a right over the post to be appointed as a permanent employee of that post and he was engaged earlier only on stop gap arrangement. The learned counsel for the Petitioner would argue that the Petitioner having worked in that post continuously for more than 240 days, he is having a preferential position to be appointed in that post than any other new incumbent and as a person having served in the post to the satisfaction of the management, he could have been offered to compete in the selection alone with the other candidates. That opportunity was denied to this Petitioner. If that was given to him, he could have had the chance of proving himself suitable to that post than the one who has been selected to the post. So, on the basis of all these facts and circumstances, the Respondent|Management may be directed to include the name of the Petitioner in the dovetailed list maintained by the Nagapattinam Division to consider the Petitioner for future employment of such post as and when vacancy arises. This argument of the learned counsel for the Petitioner, taken into consideration the entire facts and circumstances of the case, seems to be more plausible and acceptable. Thus, on the basis of the available materials in this case, it is concluded that the action of the management of the Superintendent of Post Offices, Nagapattinam Division, Nagapattinam in terminating the services of Sri P. Panchanathan from the post of Extra Departmental Branch Post Master, Thazhakudi without following the provisions under Section 25F of the Industrial Dispute Act, 1947 is illegal and unjustified. In view of the request made by the learned counsel for the Petitioner on behalf of the Petitioner which is justifiable in the circumstances of this case, the Respondent|Management is directed to include the name of the Petitioner also in the dovetailed list maintained for Nagapattinam Division to consider the Petitioner Sri P. Panchanathan also for the future vacancy of the Extra Departmental Branch Post Master in the department under the Respondent|Management. Thus, the issue is answered accordingly.

7. In the result, an Award is passed holding that the Petitioner Sri P. Panchanathan is entitled to have his name included in the dovetailed list maintained by the Nagapattinam Division by the Respondent|Management and hence, the Respondent, the Superintendent of Post Offices, Nagapattinam Division, Nagapattinam is directed to include the name of the Petitioner Sri P. Panchanathan in the dovetailed list of Nagapattinam Division under his control. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 10th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : Nil.

Exhibits marked :—

For the I Party|Workman :—

Ex. No. Date Description

W1 1-2-96 Xerox copy of the order of provisional appointment issued to the Petitioner.

W2 Nil Xerox copy of the service certificate is used by the Sub Post Master to the Petitioner.

For the II Party|Management :—

M1 10-2-97 Xerox copy of the office order with regard to Selection of BPM Thazhakudi BO A/W Annaiyappan S.O.

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1623.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्टल प्रिंटिंग प्रेस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 297/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2002 को प्राप्त हुआ था।

[स.एल-40012/164/99-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

Naw Delhi, the 19th April, 2002

S.O. 1623.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 297/2001) of the Central Government Industrial Tribunal Labour Court Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Postal Printing Press and their workman, which was received by the Central Government on 19-4-2002.

[No. I-40012/164/99-IR(DU)].

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

AT BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour,
Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 297/2001

Date of conclusion of hearing 22nd Mar. 2002

Date of Passing Award 11th April, 2002

BETWEEN .

The Management of the Manager,
Postal Printing Press, Gadagopinathpur,

Rasulgarh, Bhubaneswar-10. . . 1st Party-
Management.

AND

Their Workmen, Shri Golekha Patra,
At. Sonagarada, P.O. Keharpur,
Via Mandhatapur, Nawagarh. . . 2nd
Party-Workman.

Appearances :

Shri Jogeswar Nahak, Manager,
Postal Printing Press, Bhubaneswar. . . For
the 1st Party-Management.
Shri Golekha Patra. . . For Himself-2nd
Party-Workman.

AWARD

The Government of India in the Ministry of Labour in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L40012|164|99|IR(DU), dated 13-10-1999 :—

“Whether the action of the Management of Postal Printing Press in not reinstating the disputant Shri Golekha Patra in service is legal and justified ? If not, what relief he is entitled to ?”

2. The dispute is between the Manager, Postal Printing Press, Gadagopinthpur, Rasulgarh, Bhubaneswar, (herein-after called as the 1st Party-Management) and their Workman, Shri Golekha Patra. At. Sonagarada P.O. Keharpur, Via. Mandhatapur, Nawagarh, (herein-after called as the 2nd Party-Workman).

3. In pursuance to the direction of the Government of India (Ministry of Labour) the 2nd Party has filed his Claim Statement on 4-4-2000 after serving copy to the 1st Party-Management. His case may be stated in brief.

He was selected in the process of selection made by the 1st Party-Management. He was appointed as casual Security Guard under order, dated 30-6-1992. He joined in his duty on 1-7-1992. He worked till 14-1-1993. Though, there was no stigma of any kind in his service carrier but the 1st Party-Management without assigning any reason and without following the mandatory provisions of law terminated the services of the 2nd Party from 14-1-1993 under their order, dated 14-1-1993. It has been further stated that after termination he was again engaged from February

1993 to June 1993 but no appointment order was issued to him. He has worked for more than 240 days in a calendar year and he is a full time casual worker. Further case of the 2nd Party is that, as per the notification, dated 12-4-1991 the casual labourers who are engaged on full time basis should be given appointment to fill up the Gr. D Post. There was prohibition of recruitment from open market. But the 1st Party-Management did not follow the order of the Government. Though he again attended the interview nothing was intimated to him. So he raised the dispute and after failure of the reconciliation the present reference has been made. The 2nd Party has prayed to direct the 1st Party-Management to reinstate him in the regular Gr. D post with full back wages.

4. The 1st Party-Management has filed their Written Statement. They have pleaded that it is an Industrial Unit is engaged in printing of Postal forms for its departmental use. The 2nd Party was working as a casual Security Guard to watch the vacant quarters at G.G.P. Postal Colony with effect from 1-7-1992. As the quarters were lying vacant and allotment was not made the engagement of the 2nd Party was for temporary period. When the quarters were allotted to the staff, the service of the claimant was not necessary. So he was disengaged from 14-1-1993. Further case of the 1st Party-Management is that, the claimant had filed an application before the Central Administrative Tribunal, bearing O.A. No. 592|99 and the Tribunal after hearing of the parties has been pleased to observe that the claim of the petitioner for appointment to the post advertised is not an automatic, because there is prescribed rule for fill up the post of Gr. D as per recruitment rules. The 2nd Party was given chance to face the interview before the selection committee as per the direction of the Central Administrative Tribunal. It has been further pleaded that, the claimant had never worked for 240 days in a calendar year. He has only worked for 172 days from 1-7-1992 to 14-1-1993. The 1st Party-Management has further stated that the selection committee did not select the 2nd Party for the post of Gr. D and this Tribunal lacks jurisdiction to express any findings against the selection made by the selection committee. The 1st Party Management has prayed to answer the reference in their favour on the ground that, the 2nd Party has got no cause of action to raise the dispute.

5. On the above pleadings of the parties the following Issues have been settled.

ISSUES

1. Whether the action of the Management of Postal Printing Press in not reinstating the disputant, Shri Golekha Patra in service is legal and justified?
2. Whether the reference is maintainable?
3. To what relief the Workman is entitled to?

6. Both the parties have declined to adduce any oral evidence. The 2nd Party has relied on three documents, which has been exhibited in this case as Ext.-1, 2 and 3. On the other hand, the 1st Party-Management has also relied on three documents, which has been marked in this case as Ext.-A, B and C.

FINDINGS

ISSUE NO. I

7. Ext.-2 is stated to have been the appointment letter. As per Ext.-2 the 2nd Party was ordered to work as casual Security Guard Labourers in the Postal Printing Press Colony at Gadagopinathpur, Rasulgarh on daily wage basis with effect from 1-7-1992. In the letter, it was clearly specifically mentioned that, the appointment was purely on adhoc basis and no claim can be made in future for absorption. Ext.-3 is the order of disengaging the 2nd Party from 14-1-1993. Those two documents have been filed on behalf of the 2nd Party. The next document is the Ext.-1 in which the 2nd Party has tried to establish that he had worked 240 days in a calendar year. He has shown that he had worked for 198 days from 1-7-1992 to 14-1-1993, he has added 33 days on the ground that he is entitled for weekly off and another 9 days has been added showing that he is entitled to avail those period. Ext.-2 and 3 did not disclose that the 2nd Party was asked to work from February 1993 to June, 1993. No supporting documents have been produced on behalf of the 2nd Party in support of his case that, after termination he was again asked to work from February, 1993 to June, 1993. He has withheld himself from coming to the witness box to say on oath that he had worked after 14-1-1993. So his case that he has worked from February, 1993 to June, 1993 can not be

accepted in absence of either oral or documentary evidence. The 1st Party-Management has not disputed regarding the engagement of the 2nd Party from 1-7-1992 till 14-1-1993. Their case is that, the 2nd Party has not worked for 240 days in a calendar year. Moreover he did not come through the recruitment rules at the time of engagement. So he can not claim for the post. The 1st Party-Management has mainly relied on Ext.-A, which is the copy of the judgement passed by the Central Administrative Tribunal, Cuttack Bench, in which the 2nd Party was a petitioner. The Hon'ble Tribunal has been pleased to observe that the 2nd Party and those who are the applicants were in casual engagement from 1-7-1992 to 14-1-1993 and they have worked only 198 days. So, the Tribunal held that, they having not completed the required 240 days or 206 days (in case of five working days in a week) they can not claim priority in the selection over direct candidate and also they can not have the benefit of confirming the temporary status and can not claim that they should be appointed in the regular Gr.-D post. The Tribunal has also further held that, the selection committee considered the case of the 2nd Party and found him not suitable. No Tribunal can act as Appellate Court against the decision of the selection committee, the Tribunal has rejected the claim of the petitioner (2nd Party) to regularize him in the Gr.-D post for which advertisement was made. Ext.-B is the appointment order and Ext.-C also is the termination order.

8. I have already stated that the 2nd Party has not come to the witness box to state on oath that he had worked for 240 days in a calendar year, but on the other hand on the application filed before the Central Administrative Tribunal it was observed by the Hon'ble Tribunal that, the 2nd Party had not worked for 240 days or 206 days but worked for 198 days. The findings of the Hon'ble Tribunal has not been challenged by the 2nd Party before the Appellate Court. So, this Tribunal can not take a different opinion in accepting the case of the 2nd Party that he had worked for 240 days or 206 days as claimed by him in view of the findings of the Hon'ble Central Administrative Tribunal, Cuttack Bench. The case of the 2nd Party, that he had worked again from February 1993 to June 1993 was not accepted by the Central Administrative Tribunal on the ground of an after thought I also agree with the above find-

ings because there was no material produced on behalf of the 2nd Party that he had worked from February 1993 to June 1993. He was given opportunity to face the interview along with other candidates. He was not selected being found unsuitable. This Tribunal can not sit as Appellate Court on the decisions taken by the selection committee. When the 2nd Party has not completed 240 days or 206 days and has failed to make out a case his grievance that his termination is illegal can not be accepted. In view of the above fact it can not be said that the action of the 1st Party Management of Postal Printing Press is not reinstating the 2nd Party is illegal or unjustified. Hence, this issue is answered in favour of the 1st Party-management.

ISSUE NO. II

9. It is submitted on behalf of the 1st Party-Management that the reference is not maintainable being a stale one. According to the 1st Party-Management the order of termination was issued on 14-1-1993, dispute has been raised in the year 1999 i.e. after a long gap of time. On the other hand, it is submitted on behalf of the 2nd Party that, the Industrial Dispute Act does not provide any limitation. Moreover, it was further stated that, the claim of a person should not be refused in the guise of delay. No doubt the Industrial Dispute Act does not provide any limitation, but that does not mean that, the party will be at liberty to raise the dispute at any point of time according to their whim. When no limitation has been provided, the dispute should be raised within a reasonable period. The 2nd Party was disengaged in the year 1993. But he raised the dispute in the year 1999. No materials have been placed by the 2nd Party for the delay. In that case, I agree with the submission made by the 1st Party-Management that, the reference is not maintainable being a stale one.

ISSUE NO. III

10. In view of my findings given in respect of Issue No. I and II, the 2nd Party-Workman is not entitled for any relief.

11. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1624.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकत्ता के पंचाट (संदर्भ संख्या 42/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2002 को प्राप्त हुआ था।

[सं. एल-40012/215/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 19th April, 2002

S.O. 1624.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 42/92) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 19-4-2002

[No. L-40012/215,91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 42 of 1992

PARTIES :

Employers in relation to the management of Calcutta Telephones.

AND

Their workmen.

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE :

On behalf of Management : Mr. T. Chowdhury, Advocate.

On behalf of Workmen : Mr. G. C. Chakraborty, Advocate.

STATE : West Bengal

INDUSTRY : Telephones

Dated : 8th April, 2002

AWARD

By Order No. L-40012/215/91-IR(DU) dated 25-6-1992 and Corrigendum of even number dated 17-08-1999 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Telephones Deptt. of Telecommunication, Taher Mansion, 8 Bentick Street, Calcutta in terminating the services of Shri Shyamal Kumar Mondal w.e.f. 1-5-1989 is justified? If not, what relief he is entitled to?"

2. The present reference relates to the validity and justification of termination of service of one Shyamal Kumar Mondal by the management of Calcutta Telephones. In the written statement filed on behalf of the workman it has been stated that he was employed at Junction Cables, NE-III, Calcutta Telephones at 83/1A, Vivekananda Road, Calcutta in May, 1987 and he worked there till April, 1989. It is further stated that suddenly on 01-05-1989 his service was terminated

by verbal order of one S. K. Paul, Assistant Engineer in charge without assigning any reason and without any notice or without my payment of compensation, though some workers of his kind were allowed to continue. According to him his days wage was Rs. 14, it is stated that after his removal he approached the management on several occasions with request for his re-engagement but, nothing could be done. According to him the work which was allotted to the workman was essential in nature being underground cable maintenance and it was of regular and perennial nature. Therefore, there was requirement in the job. It is, therefore, stated that he should not have been removed from his job in this manner and it was mala fide. According to the workman he had worked for more than 240 days within 12 calendar months preceding the date of his termination and thus he should have been deemed to have become permanent. It is further stated that the management was required to comply with the provisions of Section 25F of the Industrial Disputes Act, 1947 before terminating his service, but it was not done. Therefore, it is stated that his removal from service amounted to retrenchment with effect from 01-05-1989 and this termination was within definition of Section 2(99) of the Act. It is stated that because the necessity of work was there, his removal was malafide and improper and illegal and it has also been stated that in a similar case one Tapan Kumar Jana moved the Hon'ble High Court at Calcutta and the Hon'ble Court ordered his reinstatement with full back wages. Accordingly, it has been prayed that the termination of the workman should be held to be illegal and improper and he should be ordered to be reinstated in service with full back wages.

3. In the written statement filed on behalf of the management it has been stated that the present reference is not maintainable because the management of Calcutta Telephones has no separate existence and it is a wing of the Government of India and since the Government of India has not been impleaded, the reference is illegal and not maintainable. It is also further stated that the Calcutta Telephones does not happen to be an 'industry' and, therefore, the present dispute cannot be termed as an 'industrial dispute' and, therefore, the reference is not maintainable. However, it has been further stated that the allegations contained in the various paragraphs of the written statement of the workman are all incorrect and untrue, excepting for the matters of record. It is stated that actually the workman concerned was engaged from time to time by the Calcutta Telephones for some temporary nature of work on daily wage basis on condition of 'no-work-no-pay' and he was not actually either a regular worker or had any legal status; rather, he was just a casual labour and he had never worked for more than 36 days during a period from May, 1987 to September, 1987 with gaps in phased manner. It is denied that he worked during a further period than September, 1987 and it has been denied that his allegation that he had worked for more than 240 days within 12 calendar months preceding his termination is correct and it has also been denied that he was actually terminated in April, 1989, as alleged. The management has also given the details of the working days on which the workman concerned had worked and from the tabular chart given in paragraph 5 of the written statement it appears that the workman had worked for 6 days in May, 1987, for 3 days in June, 1987, for 20 days in August, 1987 and for 7 days in September, 1987. Thus, he had worked in total for 36 days only for which payments were made to him to the basis of his daily wage and neither he had worked for any other period, nor his claim has any basis that he had worked for over 240 days in the 12 calendar months prior to his removal. It has been stated that actually neither he was engaged in regular manner, nor there was any question of his termination, because on different occasions he was engaged as a casual labour for a few days and on expiry of the term his work used to be ceased and in total he had worked for 36 days only from May, 1987 to September, 1987 and, therefore, the other allegations are incorrect and mischievous. It is, therefore, stated that neither the workman had fulfilled the condition required under Section 25B of the Industrial Disputes Act, 1947, nor there was any question of application of Section 25F of the Act in his case. However, it has been stated on behalf of the management that so far as the other allegations are concerned, the workman is put to strict proof of those facts and the management has categorically denied it. However, it has also been stated that the case of Tapan Kumar Jana was not identical to the case of the present workman and, therefore, the decision in the case of Tapan Kumar Jana by the Hon'ble High Court has no application in the matter and it has been quoted out of context. It has also been further stated that on

all these occasions when the workman was engaged on casual basis, his name was never sponsored by the local employment exchange, which is necessary for the purpose of a regular employment and the status of the workman was that of a purely temporary casual labour and he has no right to seek any relief in the present case and, therefore, his plea is not fit to be entertained.

4. Both the parties adduced evidence, oral as well as documentary. So far as the oral evidence is concerned, the workman Shyamal Kumar Mondal examined himself as WW-1 and one Sunil Kumar Paul has been examined as MW-1 on behalf of the management.

5. In his statement as WW-1, the workman, has stated that he was a casual labour employed in the Calcutta Telephones at Vivekananda Road Junction N.E.-III and he had received appointment letter at the time of his employment. However, he has stated that his engagement was by direct recruitment and not through Employment Exchange. He has further stated that his appointment was for indefinite period and he used to work as jointer of underground cables. He also further stated that his work was supervised by the Executive Engineer, Mr. S. K. Paul and Mr. Manish Chowdhury, Jointer. He also stated that he was paid wages on monthly basis and the payments were made on the basis of vouchers signed by him. He also stated that his attendance was also marked and two certificates were granted to him by the authorities concerned. According to him, one certificate was granted by the said Engineer, Mr. S. K. Paul, which is marked Ext. W-1 and another certificate was also granted by Mr. Paul which is marked Ext. W-2. According to him he had worked from April, 1987 to April, 1989 continuously and was stopped from working with effect from 01-05-89 and on this occasion he was neither served with any notice, nor paid any compensation. So, he had prayed for his reinstatement with consequential benefits. In his cross-examination, it was suggested to him that no appointment letter was ever granted to him, which he denied, but no such appointment letter was filed. He further stated that his immediate superior was the Cable Jointer and Mr. S. K. Paul often used to visit the place where he worked and he used to see his work as well as the work of the Cable Jointer in course of his inspection. Further, he has stated that he had asked for the certificate for the work done by him and accordingly the certificate Ext. W-1 was granted to him by Mr. Paul, who had signed the same and had handed over the same to him. However, he has admitted that the certificate was typed on his asking and thereafter it was signed by Mr. Paul before being handedover to him. So, it has been suggested to him that he had not actually worked for the period mentioned in the certificate and he has wrongly obtained the certificate. So far as Ext. W-2 is concerned, he admitted that it bears signatures of two persons, one being the signature of Mr. S. K. Paul and said Engineer and about another signature he said that he does not remember as to who had signed it. He has further stated that his wages were paid to him by one T. K. Das a Telephone Inspector who used to make payment at the end of the month. However, it has also been suggested to him that in May, 1987 he had worked only for 6 days, i.e. from 25th to 30th May and he had worked only for 3 days in June, 1987, i.e., from 01-06-1987 to 03-06-1987. It has also further been suggested that in August, 1987 he had worked for 20 days and in September, 1987 he had worked for 7 days and thus he had worked for 36 days only, which he has denied. However, he has admitted that he did not specifically reply to such statement made in the written statement of the management. It has also been suggested that there is no provision for maintaining any attendance register for casual labour and the registers were maintained only for permanent staff and, therefore, it has been suggested to him that whatever statements he had made is false and incorrect.

6. So far as MW-1, Sanil Kumar Paul is concerned, he stated that he was Assistant Engineer of N.E.-III Sub-Division of the Calcutta Telephones from 1987 to 1989 and he knew Shyamal Kumar Mondal who was a casual workman. According to him he had worked from May, 1987 to September, 1987 and duration of his service was for 36 days only. He has stated that the certificate Ext. W-1 was issued by him erroneously. He further stated that the certificate was produced before him when he was quite busy and he had signed the same by mistake. According to him the certificate was brought to the witness by the workman concerned and he signed the same by keeping absolute faith in the workman, so he com-

mitted a mistake by signing the certificate without verifying it, which he should not have done as a responsible officer. He has stated that he had earlier stated this fact also before the Assistant Labour Commissioner in course of conciliation. In this regard the certified correctness of a document, Ext. M-1 which was signed by Mr. S. B. Burman, Divisional Engineer, Administration on behalf of the management and it was done in his presence. He has further stated that the payments were made to the workman concerned from his office on the basis of the payment vouchers. In this regard some bound volumes of receipts and vouchers have been produced and it has been stated by the witness that the name of the workman concerned will not be found in any other account/voucher than the relevant vouchers admitted into evidence. He has stated in his cross-examination that actually the casual workers were not allowed to work for more than 20 days in a month and it was so done because the management wanted to avoid the situation in which the workers could start claiming regularisation. According to him so far as the requirement of work is concerned, during rainy season their used to be 3/4 casual workers engaged to cope with the increased work-load. He has further stated that there were some instructions of the department that no labour should be engaged in any case, but because of the pressure of work they used to engage some casual labourers from time to time. However, he has stated that the instruction was that no casual worker should be kept engaged for 240 days in a calendar year. He has also stated that so far as the calculation of the number of days of the work of the workman is concerned, he had to rely on the statement of the J.T.O. as there was no alternative.

7. So far as the documents are concerned, only two documents have been filed on behalf of the workman and the same are marked Exts. W-1 and W-2. The workman has actually placed reliance on this document Ext. W-1 which is the certificate purported to have been granted by the then Assistant Engineer, Shri S. K. Paul, MW-1. It has already been stated that Shri Paul as MW-1 stated that he actually signed this certificate by mistake without verifying it and according to him the workman had never worked in 1988 or 1989 as wrongly mentioned in the certificate. This certificate is purported to have been granted on 11-09-1989. Another certificate, Ext. W-2 is purported to have been granted on 30-01-1989. This certificate was also signed by the Assistant Engineer, Shri Paul and it has been signed also by a J.T.O. From this certificate it appears that the workman had worked from May, 1987 to August, 1987 from time to time. In this connection it has been submitted on behalf of the management that from the evidence of MW-1 and also from Ext. M-1 it appears that the mistake in the certificate granted by this MW-1 was detected in course of conciliation and then the said Assistant Engineer, Shri Paul tried to clarify it and accordingly the plea was taken on behalf of the management that the certificate was granted by mistake incorrectly. It is possible because as MW-1 has stated that he had granted the certificate keeping faith in the workman concerned without verifying it when he was busy. It has also been pointed out that the same Assistant Engineer, Shri Paul had also granted a certificate earlier to him and it was stated in this certificate, Ext. W-2 that the workman had worked for a particular period from May, 1987 to August, 1987. It is strange, therefore, that when in the certificate Ext. W-2 granted on 30th January, 1989 it was stated that the workman had worked from May, 1987 to August, 1987, how in another certificate granted on 11-09-1989, Ext. W-1 the period of his work was mentioned as from April, 1987 to April, 1989. If at all the workman had continued to work in 1988, it should have been mentioned in the certificate Ext. W-2 which was granted on 30-01-1989, but it was not done and the clear case of the management is that the workman never worked for any other period than between May, 1987 to August, 1987. It has also been submitted on behalf of the management that so far as the other documents are concerned, the same are bound volumes of ACE-2 accounts and ACG-17 vouchers and the documents have also not been challenged, nor the workman has whispered that any document, is wanting or that the management has withheld those documents, nor any prayer was made that those documents should be asked to be produced by the management. It has been submitted that these bound volumes of the vouchers and receipts have been maintained in due course and in none of the other vouchers and receipts included in these volumes it has been pointed out that the name of the workman concerned finds place.

8. So far as these documents are concerned, Ext. M-2 is the ACE-2 account relating to payment for 3 days in April, 1987. Ext. M-2/1 is relating to payment for 3 days in May, 1987 from 25-05-1987 to 27-05-1987. Ext. M-2/2 relates to payment of Rs. 42 @ Rs. 14 per day for 3 days, i.e., from 01-06-1987 to 03-06-1987 and Ext. M-2/3 is the voucher for payment for Rs. 42 for 3 days, i.e., from 28-05-1987 to 30-05-1987. Ext. M-2/4 is the account showing payment of Rs. 42 to the concerned workman. Ext. M-2/5 is the receipt of payment of Rs. 42 for 3 days, i.e., from 03-08-1987 to 05-08-1987. Ext. M-2/6 is the corresponding voucher for Ext. M-2/5 showing payment of Rs. 42 for 3 days. Ext. M-2/8 is the receipt of payment showing payment of Rs. 42 for 3 days from 11-08-1987 to 13-08-1987. Ext. M-2/9 is the receipt of payment of Rs. 42 from 17-08-1987 to 19-08-1987. Ext. M-2/10 is the receipt for Rs. 14 only for payment for one day, i.e., 01-08-1987. Ext. M-2/11 is the voucher showing payment of Rs. 42 for 3 days in September, 1987. Ext. M-2/12 is the receipt of payment of Rs. 42 only for 3 days from 22-08-1987 to 25-08-1987. Ext. M-2/13 is the receipt of payment of Rs. 42 for 3 days from 27-08-1987 to 29-08-1987. Ext. M-2/14 is the receipt of payment of Rs. 42 for 3 days, i.e., from 31-08-1987 to 02-09-1987. Ext. M-2/15 is the receipt for Rs. 42 for payment of 3 days from 04-09-1987 to 06-09-1987. Ext. M-2/16 is the voucher of payment of Rs. 28 in favour of the workman and Ext. M-2/17 is the corresponding receipt of payment of Rs. 28 for 2 days for 09-09-1987 and 10-09-1987.

9. So, it becomes clear that whatever has been stated on behalf of the management in the written statement regarding the actual number of days for which the workman had worked is supported by these receipts and vouchers and there is no other material to show that any other payment was made to the workman concerned. So, the entire claim of the workman is based only on Ext. W-2 which has been described as granted by mistake by MW-1 who has deposed in the Tribunal. The statement of MW-1 is such that there does not appear to be any reason to disbelieve him because such mistakes are possible, specially in view of the fact, as observed earlier, that in the month of January, 1989 the same officer had stated in the certificate, Ext. W-2, that the workman had worked from May, 1987 to August, 1987, but in the certificate, Ext. W-1 the period has been mentioned from April, 1988 to April, 1989.

10. In this view of the matter, it has been submitted on behalf of the management that there is absolutely no material to show that the workman had continued to work with the Calcutta Telephones after September, 1987 and during the period from May, 1987 to September, 1987 he is shown to have worked for 36 days only and that was also in different phases with breaks. So, it has been stated that the question of his termination being described as retrenchment does not arise. In this regard it has also been contended on behalf of the management that even if it is so that the workman continued to work for a longer period, there is no evidence to show that he had worked continuously, because such employment was irregular and on casual basis. It was always on the basis of no-work-no-pay and the work done by such a workman cannot be treated as a continuous work. Such engagements are always temporary and casual in nature for a particular period and as and when the period of his engagement ends the engagement ceases and when again he is engaged then it is another engagement and both the engagements or such different engagements cannot be treated as a continuous engagement. Therefore, in such a case, the workman cannot be said to be a workman in regular sense and such a termination cannot be covered by Section 2(oo) of the Industrial Disputes Act and it can be covered only by exception (bb) of Section 2(oo) of the Act. For this purpose the decision of their Lordships of the Hon'ble Supreme Court in the case of State of Rajasthan v. R. L. Gahlot (AIR 1996 SC, 1001) has also been cited. In a similar situation their Lordships observed "The controversy now stands concluded by a judgement of this Court reported in M. Venugopal v. Divisional Manager, LIC. (1994) SCC 323 (1994 AIR SCW 778). Therein this Court had held that once an appointment is for a fixed period, Section 25-F does not apply as it is covered by clause (bb) of Section 2(oo) of the Act."

11. It is, therefore, clear that the engagement and disengagement of the present workman is guided by Clause (bb) of Section 2(oo) of the Industrial Disputes Act, 1947 and it cannot be termed as retrenchment in legal sense. For such retrenchment the question of application of Section 25F of

the Act does not arise. The termination of the workman, in the circumstance, does not appear to be illegal or improper and the workman is not entitled to any relief whatsoever.

B. P. SHARMA, Presiding Officer

Dated :

Kolkata, the 8th April, 2002.

नई दिल्ली, 17 अप्रैल, 2002

का.आ. 1625.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नागर्जुना ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण कम्लेबर कोर्ट, हैदराबाद के पंचाट (संदर्भ संख्या आई.डी.-एल.सी.आई.डी. 143/01) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2002 को प्राप्त हुआ था।

[सं.एल-12014/02/2002-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi. the 17th April, 2002

S.O. 1625.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. L.C.I.D. 143/01) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Nagarjuna Grameena Bank and their workman, which was received by the Central Government on 16-4-2002.

[No. L-12014/02/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer

Dated : 26th March, 2002

INDUSTRIAL DISPUTE L.C.I.D. No.
143/2001

(I.D. No. 67/1998 transferred from Labour
Court-III, Hyderabad)

BETWEEN :

1. Sri Ch. Pentaiah,
R/o Narayananapuram, Vill. &
Mandal.
Nalgonda District. A.P.,

(died as per orders in I.A. No.
130/2001 of,
Labour Court-III; P2 to P4 added
as petitioners).

2. Smt. Ch. Narasamma (Wife of P1),
R/o Narayananapuram, Vill. &
Mandal,
Nalgonda District. A.P.
3. Sri Ch. Venkatesam,
R/o Narayananapuram, Vill. &
Mandal,
Nalgonda District. A.P.
4. Sri Ch. Srinivasulu,
R/o Narayananapuram, Vill. &
Mandal.
Nalgonda District. A.P.
.. Petitioners.

AND

The Chairman,
Nagarjuna Grameena Bank,
Head office at Khammam,
Khammam District. .. Respondent.

APPEARANCES :

For the Petitioner.—M/s. M. Dasharath Reddy.

For the Respondent.—M/s. K. Srinivasa Murthy.

AWARD

This case I.D. No. 67/1998 is transferred from Labour Court-III, Hyderabad in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No. 143/2001. This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. It is submitted that the petitioner was appointed as sweeper and posted at Narayananapuram branch by the respondent on 1-7-1980. Served to the utmost satisfaction and he was illegally dismissed by the respondent by an order on 17-12-1990. He worked in various branches like Narayananapuram, Gattuppal and Veligonda. The petitioner submits that the work under the respondent is of permanent in nature. He was continuously employed without any break. That

he fell suddenly ill and was admitted in hospital on 20-7-1985 for treatment at Sushratha Hospital, Malakpet, Hyderabad and treated up to 30-12-86. He informed to the Branch Manager about his illness and discharged from the hospital from 30-12-1986. Meanwhile, the respondent gave a charge sheet dated 28-4-86 with various allegations for which the petitioner gave his explanation but the respondent failed to see all this and dismissed him from service on 17-12-90. That his illegal removal is against the spirit of the I.D. Act and they have also not followed Sec. 25F, 25G, 25H. The petitioner made number of representations orally and written including the representation dated 10-4-94 to the Chairman about his reinstatement.

3. There are number of vacancies in the bank through out the two districts viz., Nalgonda and Khammam, which are not filled by the management. And the petitioner requested them to reinstate in any suitable post. That his continuous service for more than five years is ignored. Hence, the respondent may be directed to reinstate him into service with continuity of service, full back wages and all other attendant benefits.

4. A counter was filed on behalf of the respondent stating that the petitioner worked as part time sweeper at Narayanapuram Branch from 7-3-1980 to 31-5-1990 and was shifted to other branches only he absented himself without intimation from 29-11-83. It is not correct to state that he was dismissed on 17-12-90. There were number of complaints received against him and that he also used to come the bank in drunken state. Unauthorized absence itself was for a period of two years five months. He did not sent any medical certificate and in fact, domestic enquiry was conducted and charges were proved in the domestic enquiry. When it is a case of misconduct it does not come in the purview of Sec. 25F, 25G and 25H. In fact there is no holding an enquiry but, still the enquiry was held. The petitioner remained silent for 8 years and did not raise any dispute. Case has been became stale. In fact he abandoned the job on his own. Hence, the petition may be dismissed.

5. The petitioner examined himself as WW1 and deposed that he joined on 1-7-80 as sweeper in respondent bank at Narayana-puram branch. He was removed from service in the year 1990. In the year 1995 he was

attacked with paralysis and joined in a Nursing Home at Malakpet and was treated as im-patient for one year up to 1986. During his admission in the hospital he also sent a leave letter stating all the facts. After discharged from the hospital he approached the management and requested to take him into service. He also gave a representation in writing to the management. Ex. W1 is the medical certificate, Ex. W2 is the case certificate. Ex. W3 is the Xerox copy of the disciplinary proceedings, Ex. W4 is the Xerox copy of the disciplinary proceedings. Ex. W5 is the Xerox copy of another disciplinary proceedings. Ex. W6 is Xerox copy of the representation to the Chairman, Ex. W7 is the legal notice. Ex. W8 and Ex. W9 are postal receipts.

6. During the pendency of the case Sri Ch. Pentaiah died. I.A. 130/2001 was filed in the Labour Court III, Hyderabad which was allowed and three petitioners P2 to P4 were brought on record and the following L.R.s were brought on record: Smt. Narasamma his wife, aged about 46 years, his son Venkatesam, aged 29 years, and another son Srinivasulu, aged 27 years were brought on record. After that, no witnesses were examined. There was no question of cross-examining the petitioner who was dead. And no witness was examined on behalf of the respondent neither arguments were advanced on the validity of domestic enquiry. There was allegation that he has taken Rs. 2,560 by illicit methods. He used to come regularly consuming Alcohol etc. It may be seen that no doubt, the Council for petitioner argued vehemently that the dismissal is wrong and reinstatement and back wages should be paid to his L.R.s. All this appears to be belated. For the simple thing, that even according to petitioner if he was removed in 1990, he appeared the Court by way of 2A(2) petition on 6-5-98. That delay itself is sufficient as held in several cases that the deceased was not interested. However, in his own admission in deposition, he stated that he worked from 1-7-80 till 20-7-1985. Then, he fell sick actually according to the counter he worked from 7-3-80 till 29-11-1983. That is, 3 years 8 months service he has done. Even according to the Learned Counsel for the Respondent who argues that petitioner was not entitled for anything. I am of the opinion that taking the peculiar circumstance into consideration that the petitioner has died. He had put in about 3 years 8 months service which can be taken as four years service and his wife can be paid two month's wages last pay drawn by

the petitioner Ch. Pentaiah. The said amount shall be paid to the widow of the deceased viz., Smt. Narasamma within 30 days from today.

Award pronounced in open Court. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 26th day of March. 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner:

WW1 : Sri Ch. Pentaiah

Witness examined for the Respondent:

NIL.

Documents marked for the Petitioner/Union

Ex. W1—Medical certificate copy dt. 24-12-83

Ex. W2—Caste certificate No. D|3677| 97 dt. 17-10-97

Ex. W3—Copy of lr. No. V&A|43|462| 86 dt. 25-6-86

Ex. W4—Copy of lr. No. DPC|43|908| 90 dt. 17-12-90

Ex. W5—Copy of lr. No. DPC|43|874| 90 dt. 30-11-90

Ex. W6—Representation dt. 10-4-94

Ex. W7—Copy of legal notice dt. 17-4-98

Ex. W8—Postal receipt

Ex. W9—Postal receipt.

Documents marked for the Respondent

NIL

नई दिल्ली, 17 अप्रैल, 2002

का.आ. 1626.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण कम्लेबर कोट, हैदराबाद के पंचाट (संदर्भ संख्या आई.डी.नं. 102/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-04-2001 को प्राप्त हुआ था।

[म.प्र.ल-12012/457/2000-आई.आर. (वी-I)]

जगदीश कुमार, डैम्क अधिकारी

New Delhi, the 17th April, 2002

S.O. 1626.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. No. 102/2001) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 16-4-2002.

[No. L-12012/457/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. ISMAIL, Presiding Officer

Dated : 14th March, 2002

INDUSTRIAL DISPUTE No. 102/2001

Between :

Sri Kedri Venkataramana.
Gollapalla (Post),
Kurnoothala (V),
Lakkireddipalli,
Dist. Cuddapah-516001. . . Petitioner

AND

The Dy. General Manager,
State Bank of India, Zonal Office,
Renigunta Road,
Tirupathi-517501. . . Respondent

Appearances :

For the Petitioner—Sri P. Damodar Reddy, Smt. K. Sreedevi & Ms. N. Meenakshi.

For the Respondent—Sri B. G. Ravindra Reddy, Sri S. Prabhakar Reddy, Sri P. Srinivasulu & Sri B. V. Chandra Sekhar.

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/457/2002 IR(B-I) dated 17-7-2001 referred the follow

ing dispute between the management of State Bank of India, Tirupathi and their workman under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Is the management of State Bank of India, Kurnoothal Branch justified in terminating the services of Sri Kedri Venkata Ramana, Messenger, from the services of the Bank? If not, what relief he is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 102/2001 and notices were issued to the parties.

2. Inspite of several adjournments given from 9-10-2001 for filing of claim statement and documents for fifteen adjournments including 14th March, 2002. The petitioner has not turned-out with claim statement and documents inspite of number of adjournments and the petitioner has failed to produce any evidence in support of his claim. Therefore, the reference is ordered against the petitioner and it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri. Personal Assistant transcribed by her corrected and pronounced in the Open Court by me on this the 14th day of March, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner

NIL

Witness examined for the Respondent

NIL

Documents marked for the Petitioner/Union
NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 18 अप्रैल, 2002

का.आ. 1627.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्देन रेलवे के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, अनकुलम के पंचाट (संदर्भ संख्या सी.पी. 10/1995(सी)) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[स.एल-41014/01/2002-आई.आर.(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 18th April, 2002

S.O. 1627.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. C.P. 10/1995(C) of the Central Government, Labour Court Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway and their workman, which was received by the Central Government on 17-4-2002.

[No. L-41014/01/2002-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(Labour Court, Ernakulam)

(Tuesday, the 22nd day of January, 2002)

PRESENT :

Smt. N. Thulasia Bai, B.A., LL.B.,
Presiding Officer.

Claim Petition No. 10 of 1995(C)

PETITIONER :

Sri N. K. Rajan,
Naduvellimurippuram,
Eroor P.O.,
Tripunithura.

BY :

Sri C. S. Ajith Prakash
Advocate,
Room No. 402,
Imperial Building Annex,
T.D. Road,
Ernakulam.

Versus

OPPOSITE PARTY :

The Executive Engineer,
(Construction)
Southern Railway,
Ernakulam.

BY :

Sri P. M. M. Najeeb Khan
Advocate,
S.R.M. Road,
Kochi-18.

ORDER

This is a petition filed by the petitioner, who was a casual labourer under the opposite party, claiming an amount for

Rs. 10,533.90 as the difference in wages from 7-12-1968 to 1-1-1984. The petitioner is now working as a gangman under the opposite party—Southern Railway Department. He was initially appointed as a casual labourer on 7-12-1968 under the Inspector Works, Doubling under the Construction Department of Southern Railway. The applicant was entitled to get 1/30 of the minimum of the appropriate scale of pay + D.A. as per the Railway Establishment Manual. But he was not paid as prescribed. The petitioner is also entitled to get temporary status on completion of 180 days of continuous service. But he was given temporary status only on 1-1-1989 and he was regularised in service on 19-4-1985. Till 1-1-1984 the petitioner was paid only minimum wages which is less than the wages actually due. In an earlier claim petition filed as No 75/90(C) before this court the opposite party has filed a statement in which they have calculated the difference of wages due to the petitioner therein. That statement was accepted by this court and allowed the claim of the petitioner therein. The present petitioner is a similarly situated employee to the applicant in C.P. 75/90(C). So the petitioner claims an amount of Rs. 10,453.90. The statement, showing details of wages actually paid to the applicant, actually due and balance due, is also enclosed to the petition.

2. Opposite party filed an objection stating as follows. The petition is not maintainable as there isordinate delay of many years in filing the petition. The open line wing of the opposite party is mainly dealing with the day to day maintenance works of the railway line and allied construction necessary for the same. The construction wing is meant for doing the construction of new railway lines, conversion of existing lines to Board Gauge etc., construction of additional lines, major bridges, tunnels, buildings, yards etc. On completion of the work, lines are transferred to the open line wing. Thus the works undertaken and handled by the construction wing are called project works and the casual labourers engaged in it are called project casual labourers. When a particular project is over the casual labourers engaged in such project are retrenched and sent away unless there are other nearby projects, where they can be engaged and continued. Such a contingency does not arise in open line wing and casual labourers engaged therein. A distinction in the above respect is made in the Railway Establishment Manual and specific provision is made there for conferring temporary status on open line casual labourers whereas that benefit is not being extended to project casual labourers. In respect of the conditions of project casual labourers the Hon'ble Supreme Court have intervened and directed the Railway to frame a scheme to grant temporary status etc. to project casual labourers also. Accordingly the Railway have issued order dated 11-9-1986. Basing on the above order the casual labourers in the construction wing, including the workman, have been given temporary status. So he was not entitled to any scale rate of pay as demanded by him during the period in question that is prior to temporary status w.e.f. 1-1-1981 from which date he has been given scale rate of pay. Judgment in C.P. 75/90(C) dated 26-10-94 cannot be applied in this case for the above reasons. So the opposite party prays for dismissal of the petition with its cost.

3 After the objection no rejoinder was filed by the petitioner.

4 For the purpose of this petition, petitioner was examined as PW1 and Exts P1 series to P3 and R1 were marked.

5 Thus the points arise for determination are that

- (1) Whether the petition is maintainable?
- (2) Whether the petitioner is entitled to get any amount from the opposite party? If so, what is the amount?
- (3) Reliefs and costs?

6 Points. This claim petition is filed under Section 23 C(2) claiming wage difference w.e.f. 7-12-1968 to 1-1-1984. The petition is seen filed on 9-11-1995. In the objection filed by the opposite party, it is contended that the petition is not maintainable due to the inordinate delay of many years in filing the same. Admittedly the petitioner is employed under the opposite party even at present and he was provided temporary status w.e.f. 1-1-1981. The provisions of Limitation Act are not applicable for the claims under the Industrial Dispute Act, if no prejudice is caused due to the delay to the opposite party. In the present case the opposite party has

no contention that due to the delay any special prejudice has been caused to the opposite party. So it cannot be found that the maintainability of the petition is affected due to the delay in filing the same.

7 The difference in wages is claimed by the petitioner as per the provisions of the Railway Establishment Manual. It is explained that the petitioner being a casual labourer was entitled to get 1/30 of the minimum of the appropriate scale of pay + D.A. which was not paid to him. Admittedly the petitioner was appointed as a casual labourer in 1968. Ext P1 series casual labour service cards show the above aspect. Further it is not disputed also. But the stand taken by the opposite party is that the petitioner being a project casual labourer was not entitled to get temporary status or scale rate of pay prior to 1-1-1981, in view of Ext R1 order dated 11-9-1986 of the Railway Board pursuant to the direction given by the Hon'ble Supreme Court in respect of providing better conditions to project casual labourers. It is evident from Ext P1 series that the petitioner was given temporary status w.e.f. 1-1-1981. It was on the basis of Ext R1. It is evident from Ext P2 order dated 26-10-1994 in C.P. 75/90 (C), P3 copy of objection and statement of accounts filed by the opposite party in the above case and Ext R1 that the petitioner is entitled to get the amount claimed in the petition as difference of wages. Whether he was entitled to get the temporary status prior to 1-1-1981 is not a question to be determined in the present case. Points are answered accordingly.

In the result, this petition is allowed. Opposite party is directed to pay the amount of Rs. 10,533.90 (Rupees Ten thousand five hundred fifty three and paise ninety) due to the petitioner within three months from the date of this order failing which the petitioner is allowed to realise the amount with 12 per cent interest from the date of order till realisation.

Dictated to the confidential Assistant, transcribed and typed out by her, corrected by me and pronounced in Open Court on this the 22nd day of January, 2002.

N THULASI RAI, Presiding Officer
Ernakulam

Appendix

Witness examined on the side of Petitioner
PW1 Sri Rajan

Exhibits marked on the side of Petitioner.

Ext P1 series (3 in Nos) Casual Labourers Service Card

Ext P2 Certified photo copy of order in C.P. 75/90(C)

Ext P3 Statement filed by the claimant in C.P. 75/90 (C)

Exhibit marked on the side of Opposite Party

Ext R1 Copy of Board's letter No E(NG)II/84-C1/41 dated 11-9-1986

नई दिल्ली, 18 अप्रैल, 2002

का आ 1628-- आौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधतात्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आौद्योगिक विवाद में केन्द्रीय सरकार आौद्योगिक अधिकरण कम्लेबर कोर्ट, नई दिल्ली के पचाट (सदर्म सभ्या आई डी 71/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[संल-12012/77/95-आई जार (बी I)]

अजय कुमार, ईमैल अधिकारी

New Delhi, the 18th April, 2002

S O 1628—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (R.F No ID 71/96) of the Central Government Industrial Tribunal cum Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 17.4.2002.

[No I-12012/77/95-IR(B)]
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, NEW DELHI

I PRESENT

Sh B N Pandey, Presiding Officer

ID No 71,96

Mrs Indu Mehrotra through
General Secretary, SBI Staff Association,
33/34, Bank Enclave Ring Road, Rajouri Garden,
New Delhi 110027

Versus

Dy GM, State Bank of India,
Delhi Zonal Office Block, 11, Sansad Marg,
New Delhi

AWARD

The Central Government in the Ministry of Labour vide its Order No L-12012/77/95-IR(B) dated 27.9.1996 has referred the following industrial dispute to this Tribunal for adjudication—

Whether the action of the management of SBI, Delhi Zonal Office, New Delhi by stopping one increment of Mrs Indu Mehrotra, Clerk/Cashier w.e.f 27.9.90 for a period of two years is justified? If not, what relief the concerned workman is entitled to?

2. The case of the workman as stated in the claim is that she was appointed as Clerk/Cashier in the SBI on 24.10.1978. Her work and conduct had always been very good and had never been any complaint against her in this regard. That she was served with a charge sheet by the disciplinary authority i.e. Regional Manager Regional SBI Zonal Office, New Delhi vide his memo No DRO R.I./P&C/18 dated 9.1.1988, a copy of which is as Annexure A that the disciplinary authority appointed Shri Pawan Kumar Officer VMGS III who conducted the enquiry properly and lawfully. He submitted his findings to the disciplinary authority exonerating the workman of the charges which is marked Annexure B that the Disciplinary Authority vide his letter dated 10.1.1989 decided to stop three increments of the workman on the basis of the enquiry held by Shri Pawan Kumar EO but he did not forward the copy of the findings of the Enquiry Officer to the workman alongwith the above order for which workman represented to the DA vide her letter dated 8.6.1989 to furnish her a copy of the findings of the EO. The Branch Manager Moti Bagh (New Delhi) Branch after 14 months from the date of her request supplied her a copy of the findings of the EO that on receipt of the finding the workman submitted the reply of the show cause notice and requested the disciplinary authority that the proposed punishment of stoppage of three increments was illegal, unjustified when she had been exonerated of the charges by the EO who was the nominee of the DA and acted impartially and judiciously that the workman was granted person hearing on 21.9.1990 which was a sham show, although the workman highlighted various points and prayed that in view of her having been exonerated of the charge by the EO the proposed punishment was illegal, unjustified and amounted to victimisation and unfair pointed highlighted by the workman however he reduced the punishment from three increments to two increments vide letter dtd 27.2.1990. At the time I submitted my appeal to the Authority

Dy GM SBI, Zonal Office I Street, New Delhi

31.10.1990 against the above said order of punishment awarded by the Disciplinary Authority, that the appeal of the workman remained pending for 15 months and abruptly on 5.2.1992 when the A Authority was transferred and was going to be relieved, he hurriedly, without applying his mind dismissed the appeal without assigning cogent and judicious reasons, that having received injustice from the hands of the Management the workman was left with no alternative but to raise the industrial dispute before the ALC Central New Delhi, that after long conciliation the matter was referred to this Tribunal vide order dated 27.7.1996 for adjudication on the reference as above, that the DA was biased and vindictive authority. He did not bother for fair and justified findings. The D Authority acted malafide and victimised the workman by illegally stopping her annual increment due on 27.9.1999 for two years, vide order dated 27.3.1990 that the workman highlighted the following extracts from the findings of the Enquiry Officer for perusal—

‘Referring the charge sheet issued vide memo No DRO R.I./P&C/455 dated 26.1.1988, the management could not produce any material evidence except they have stated in the charge sheet the withdrawals in question should have aroused suspicion and the required diligence was not displayed by the employee. The Bank representative did not explain that what the barometer of required diligence which was expected by the employee. He also did not produce any evidence to prove the carelessness the part of employee except handwriting expert report and which was only an opinion evidence/secondary evidence. Mere lack of enthusiasm on the part of the employee can not be construed as negligence and in the circumstances the charges referred to above do not stand proved’

That it is proved beyond doubt that the enquiry was a sham show as the management did not accept the findings of the enquiry officer. The very sanctity of an enquiry would stand vitiated if the findings of the EO are not accepted by the Management.

3. In view of the foregoing submissions, it is prayed that the action of the management stopping increment of the workman with effect from 27.9.1990 for a period of two years be declared illegal and unjustified. The workman be released the said increments with retrospective effect with all the consequential benefits. The workman be paid interest @ 18 per cent of the arrears of increment and also suitable damages for the harassment and torture she had suffered for no fault on her part.

4. In the written statement the management took preliminary objectives alleging that the dispute raised by Smt Indu Mehrotra is completely devoid of merits. She has committed the act of negligence while performing her duties and the charges levelled against her stand proved from the documents and the evidence produced in the enquiry. The brief facts are that Smt Indu Mehrotra was working as Clerk Cashier at the Moti Bagh Branch of the bank. On 16.4.1987 she was officiating as passing officer on Saving Bank desk and issued a cheque book to a third party on the basis of a false requisition slip. The falsity of the slip was evident from the fact that it did not belong to the cheque book issued to the account holder Shri R.K. Mahajan and also did not carry the Branch rubber stamp. Also there was material alteration in the account number mentioned on the slip by eraser which was visible to the naked eyes. Moreover a cheque book was issued to the said account holder and was not used till the date of fraud. These facts could have easily aroused the suspicion and put Smt Mehrotra on guard. However, she totally neglected the above indicators of fraud. Then on subsequent dates she passed payment of five cheques issued from the aforesaid cheque book obtained by a third person bearing the forged signatures. While the fact that no cheque from the earlier cheque book issued to the account holder were used she neglected this indicator which should have aroused suspicion in her mind but allowed the payment of the cheque and perpetuated fraud. That the matter was investigated and an enquiry was conducted into the charges levelled against Smt Mehrotra. It is an admitted fact that the enquiry conducted was proper and legal. Unfortunately the enquiry officer did not properly appreciate the evidence produced in the enquiry and held that the charges levelled against Smt Mehrotra were not proved. The D Authority

did not agree with the findings of the enquiry officer and after appreciating the evidence both documentary and oral produced in the enquiry, came to the conclusion that the charges levelled against Smt. Mehrotra stand proved. It should be appreciated that it was obvious from the evidence led in the enquiry that Mr. Mehrotra was negligent in discharging her duties from the following points:—

1. That the requisition slip tendered did not carry the branch rubber stamp, that there were obvious signs of rubbing/erasing visible to the naked eyes at the placement for S.D. account or the account holder only a few days back i.e. 27-3-1987 (date of issuance of second cheque book by Smt. Mehrotra is 16-4-87) and not a single cheque from the first cheque book had been presented for payment as on 16-4-87; that the workman did not observe for issuance of cheque book to a third party, she should have written a direct letter about issuance of new cheque book to the account holder and should have sent the cheque book to the account holder and should have sent the cheque book also directly under the sealed cover either by registered post or through the Bank's messenger. The relevant bank instructions are annexed therewith, the mode of issue i.e. to bearer was not recorded in the cheque book issue register though it was stipulated procedure and the practice in the Branch to do so, that the management craves leave to refer to the tentative decision of the disciplinary authority dated 5-5-1989 wherein the disciplinary authority appreciated the evidence led in the enquiry and came to the conclusion that the charges levelled against Smt. Mehrotra stand proved. The disciplinary authority can come to its own conclusion after appreciating the evidence produced in the enquiry. In the present case the disciplinary authority appreciated the evidence led in the enquiry and came to the conclusion that the charges levelled against Smt. Mehrotra stand proved. The Disciplinary Authority has not ignored the principles of natural justice and has acted in the prescribed legal manner. The allegations of bias etc. are vague, hence ought to be rejected. The findings are completely fair, reasonable and judicious."

5. On merits while denying the contents of para 1.2 and 3 alleged that the contents of para 4 are correct to the extent that the D.A. vide letter dated 10-5-1989 decided to stop three increments of the workman after coming to the conclusion that the charges against her stand proved. That the report of the Enquiry Officer was given to the workman, after giving workman a proper opportunity of hearing, going through her representation, the Disciplinary authority gave his final decision; that it is true that after receipt of findings of E.O. the workman submitted her reply to the show cause notice but her submissions that the proposed punishment is unjustified could not find favour with the D.A.; that personal hearing was given by the D.A. to the workman, but it is absolutely wrong that the personal hearing was sham show. The Disciplinary authority considered all the points raised by the workman to reach to the conclusion that the charges levelled against her stand proved but in the interest of justice and keeping in view the past record of the workman, the D.A. reduced the punishment of stoppage of three increments to stoppage of one increment for two years which itself shows the consideration by the D.A. of the points raised by her and her representative.

6. The appellate authority duly considered the appeal of the workman but could not agree to the submissions of the workman and ultimately held that the appeal has no merits; that no injustice has been done to the workman. The decision of the D.A. authority is completely unbiased, legal and justified and the contents of para 14 are wrong and denied. The points raised by the workman and her representative were duly considered by the D.A. authority but he did not agree with the submissions of the workman and consequently decided that the charges against her stand proved; that the workman herself has stated in para 3 of her statement of claim that the enquiry was proper and legal; hence she is not entitled to any relief as prayed and the claim of the workman is liable to rejected.

7. In the rejoinder it is alleged that the preliminary objection raised by the management are baseless and hereby and hereby denied.

8. Despite opportunity no oral evidence was led by the parties as per order sheet dated 9-12-1997.

9. I have heard the parties representative and perused the file.

10. It was argued on behalf of the workman that the enquiry officer Shri Pawan Kumar had submitted detailed and reasoned findings to the disciplinary authority and in his findings he exonerated the workman of all the charges but the disciplinary authority did not agree with it and came to a different conclusion on the basis of the same evidence holding the charges as proved and punished the workman which cannot be justified; that the appellate authority did not apply its mind in deciding the appeal and arbitrarily dismissed the appeal after a long gap of time. Therefore the order of punishment alongwith the order of appellate authority deserves to be quashed.

11. On the other hand it was submitted on behalf of the Management that it has been admitted that the enquiry was conducted properly and legally; that the disciplinary authority was not bound to accept and agree with the findings of the enquiry officer, that he was competent enough to come to a different conclusion after appreciation of the evidence on the record; that sufficient and proper opportunity was afforded to the workman and personal hearing was also given to him by the disciplinary authority; that after personal hearing of the workman and considering her submissions and post conduct the appellate authority liberally reduced the proposed punishment of stoppage of three increments to one increment only for two years that there was no illegality in the impugned order of disciplinary authority as well as the appellate authority.

12. On perusal of the file I find that the charges levelled against the workman (in short) were that while officiating on saving bank desk on 16-4-1987 Mrs. Mehrotra (workman) issued a cheque Book for Saving Bank Account No. 3942 of Shri R.K. Mahajan to a third party without verifying the genuineness of the signature of the drawer and without following the instructions contained in para 10 and 11 of chapter II Vol. II of the Bank's Instructions for issuing cheque book to a third party and that the mode of issue of the new cheque book was not recorded in the cheque book register and various instructions contained in the bank's book of instructions were not complied with, that on subsequent dates she (the workman) also passed payment of five cheques issued from the aforesaid cheque books bearing forged signatures within a period of 11 days beginning 18-4-1987 to 27-4-1987 to for total cash amounting to Rs. 40,400/- from the account of R.K. Mahajan and that the required diligence was not displayed by her.

13. As regards the alleged withdrawal through the five alleged forged cheques, complaint was lodged by the account holder Shri R.K. Mahajan himself who was examined as PW1 in the enquiry proceedings and he confirmed that he did not sign the disputed cheques and the requisition slip for issuing the disputed cheque Book. Shri S.K. Sharma handwriting expert was also examined by the Management as PW3 in the enquiry. In his cross-examination by the workman side the report (P.W. 3) that "in this case the forged signatures could be detected by naked eyes by a person with normal observation". He also proved his opinion in the Court against the workman.

14. It has been categorically admitted by the workman that the enquiry held was proper and legal. Although the enquiry officer recorded findings but he did not give any finding on the evidence of the account holder Shri R.K. Mahajan and exonerated the delinquent employee, rejecting the evidence of the hand writing-expert of the management side holding that it was an opinion evidence/secondary evidence only. But on perusal of the enquiry report and examining the whole evidence and considering the case, the disciplinary authority did not agree with the findings of the enquiry officer. He recorded his own finding and found that "as a result of the negligence on the part of the workman" the bank suffered substantial loss which calls for a severe punishment, still keeping in view the past satisfactory record of

the employee and with a view to give her opportunity to rehabilitate herself and taking a lenient view in the matter he tentatively decided to stop her three increments. He also issued a show cause notice accompanying a copy of his decision to the delinquent employee for filing her written statement in defence and it gave her personal hearing before taking his final decision. Thereupon the delinquent employee filed her reply dated 7-9-1990 and also personally appeared before the disciplinary authority and during the course of her personal hearing on 21-9-1990 she again submitted in writing alleging that certain general practices required to be followed in the normal course of business were not being followed at the branch, so he should not be punished for her negligence to know the practice, that proper training was not imparted to the employee by the officer to work systematically; that third party cheque book issued should be informed to the account holder by letter which was not done for which she should not be punished; that the hand-writing experts report does not suggest anywhere about forged signatures can be detected by naked eyes; and that merely absence of rubber stamp on the Requisition slip need not be treated as an objection for issuance of a cheque book.

15. After personal hearing of the workman and considering her submissions, the disciplinary authority himself reduced the proposed penalty of stoppage for three increments to a period of two years only.

16. It is thus not disputed that on 16-4-1987 workman was officiating as passing officer on saving bank desk and issued a cheque book to third party. It is also not disputed that she did not observe the instructions of the bank for issuing a cheque book on a requisition slips to a third party. She also did not dispute that, on subsequent dates she also passed payment of five disputed cheques issued from the same cheque book issued to the third party by her. These admitted facts require no evidence to prove. Obviously these facts were not considered during enquiry by the Enquiry Officer but when the disciplinary authority recordd specific findings regarding it, the delinquent employee pleaded in her defence that she should not be penalised for her negligence to know the instruction|Rules and that proper training was not imparted to her by the officer to work systematically, although she admitted that third party cheque book issued should be informed to the account holder by letter which was not done by her. It is well settled that ignorance of law|rules is no excuse at all. Therefore, she cannot claim benefit of her own ignorance. She could not point out any circumstance of prejudice or enmity of the disciplinary authority against her. The disciplinary authority thoroughly considered the facts, evidence of the case and charges levelled against her. He also considered past conduct of the workman. It is well settled that the disciplinary authority is not bound by the findings of the enquiry officer. He is quite competent to record his own findings on the basis of the evidence on the record. Therefore, I find no illegality in the impugned order of the disciplinary authority. As regards order of the appellate authority a perusal of the appellate order rejecting the appeal of the workman, goes to show that the appellate authority properly considered contentions of the appellant and give his own views against the submissions of the appellant workman. He also clearly opined that the earlier awards given by the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in other cases were not applicable in her case. He also considered her contentions regarding breach of principles of natural justice to which he did not agree. I find that the appellate order is also well reasoned and based on considerations. It suffers no illegality/own breach of principles of natural justice. Thus I find no force in the contentions of the workman.

17. On the basis of what has been discussed above I find that the action of the Management of State Bank of India, Delhi Zonal Office, New Delhi by stopping one increment of Mrs Indu Mehrotra Clerk/Cashier w.e.f. 27-9-1990 for a period of two years is completely justified. It requires no interference and the workman is entitled to no relief against it. Parties shall bear their own costs. Award is given accordingly.

B. N. PANDEY, Presiding Officer

Dated : 09 April 2002.

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1629—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंटेग्रल कोच फैक्ट्री के प्रबंधत्व के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण कम्लेबर कोर्ट, चेन्नई के पचाट (संदर्भ सख्ता 461/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2002 को प्राप्त हुआ था।

[सं.एल.-41012/54/94-आई.आर (डी.यू.)/(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th April, 2002

S.O. 1629—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 461/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Integral Coach Factory, Madras and their workman, which was received by the Central Government on 19-4-2002.

[No. L-41012/54/94-IR(DU)/(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 11th April, 2002

PRESENT :

K. KARTHIKEYAN, Presiding Officer.

INDUSTRIAL DISPUTE NO. 461/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 116/97)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Venkateshan and the Management of Integral Coach Factory, Madras).

BETWEEN

Sri S. Venkateshan . . . I Party/Workman

AND

1. The General Manager, . . . II Party/Management
Integral Coach Factory,
Madras.
2. Controller of Stores
(Construction) Visakhapatnam.

APPEARANCE :

For the Workman : Sri S. N. Ravichandran, Advocate.

For the Management : Mr V. S R Hanu Babu Koka,
Advocate.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned dispute for adjudication vide Order No. L-41012/54/94-IR(DU) dated 04-06-97.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D No 116/27. When the matter was pending enquiry in that Tribunal, as per the orders of the Central Government, Ministry of Labour this case has also been transferred from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, the case has been taken on file as I.D. No 461/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 01-03-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case by filing their Claim Statement and Counter Statement respectively.

When the matter came up before me for final hearing on 26-03-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side and after hearing the arguments advanced by the learned counsel on either side, this matter having stood over till this date for consideration, this Tribunal has passed the following —

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

"Whether the action of the management of Integral Coach Factory, Madras in terminating the services of Shr. S Venkatesan, Bungalow Peon/Lascar with effect from 30-09-91 is just, proper and legal? If not, to what relief is the workman entitled?"

2. The averments in the Claim Statement filed by the I Party/Workman Sri S Venkatesan (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner joined the services of the Controller of Stores, Visakhapatnam on 30-11-88 as a peon. After 360 days of services, he was granted temporary status with effect from 24-11-89 and designated as Project Casual Labour by office dated 8-12-1989. By an order dated 6-7-90, he was transferred to Integral Coach Factory, Madras. The Petitioner reported at the above said office and worked as Bungalow Lascar. By an office order dated 11-8-90, he was designated as Substitute Bungalow Lascar w.e.f 12-07-90 to Sri S Jayamohan, while he was posted as CMM|Shell|ICF. His services were terminated with effect from 30-10-90 by an office order No PB/SI/2193, when Sri S Jayamohan was transferred to Southern Railway. The Petitioner was again engaged as a Lascar w.e.f. 14-02-1991. Suddenly, on 30-09-1991, the Petitioner was terminated under an order dated 30-09-91. The Petitioner preferred an appeal against this order of termination to the General Manager, Integral Coach Factory, Madras. The same was forwarded to the General Manager, South Eastern Railway, Calcutta and Controller of Stores (Construction), South Eastern Railway, Visakhapatnam. The Petitioner also went to Visakhapatnam, hoping that he will be reinstated but however the Respondents failed to do so. Thereafter the Petitioner filed 2A petition before the Assistant Labour Commissioner (Central) and eventually on 12-03-94, the conciliation ended in a failure. Then the matter has been referred by the Central Government as an industrial dispute for adjudication. The impugned termination is illegal, void and unsustainable in law. The Integral Coach Factory is an industry within the meaning of Section 2(i) of the Industrial Disputes Act, 1947. The South Eastern Railway when the Petitioner was first appointed is also an industry within the meaning of Section 2(j) of Industrial Disputes Act, 1947. The Petitioner's service from the date of first appointment from 30-11-98 to the eventual date of termination on 20-09-91 was continuous, without any break and as per Section 25B of the Industrial Disputes Act, 1947, has rendered three years of continuous service. Though the Petitioner was originally appointed by South Eastern Railway, he was transferred to Integral Coach Factory and the entire service has to be taken as one and in any event, his transfer from South Eastern Railway to Integral Coach Factory itself was not in compliance of Section 25F of Industrial Disputes Act. Prior to the impugned termination, the Petitioner was not given any notice nor wages in lieu thereof, nor was he paid any retrenchment.

compensation prior to his termination. The impugned termination is, therefore, void ab initio. Sri Nagarajan, junior to the Petitioner is still in service in Integral Coach Factory. Similarly, there are many who have been recruited after the Petitioner in the same category by the third Respondent who still continue to be in service. Therefore, the impugned termination is in violation of principle of first come, last go. Therefore, it is prayed that this Hon'ble Court may be pleased to pass an award directing reinstatement of the Petitioner in service with back wages and continuity of service and all other consequent benefits.

3. The averments in the Counter Statement filed by the II Party/Management, Deputy Chief Personnel Officer representing the General Manager Integral Coach Factory, Chennai, and Controller of Stores, South Eastern Railway, Visakhapatnam (hereinafter refers to as Respondent) are briefly as follows :—

The Petitioner was working as a daily rated Casual Labourer Peon with Sri S Jayamohan, Controller of Stores (Construction), Visakhapatnam, South Eastern Railway from 30-11-88 onwards. When Sri Jayamohan who was transferred against a leave vacancy at Integral Coach Factory on 12-7-90 wanted the Petitioner as his Bungalow Peon at Integral Coach Factory. Though the Petitioner was a temporary status Casual Labourer on pay of Rs 750 at the time of his discharge and there was no provision for inter-railway transfer of such Casual Labourer, he was engaged as a Substitute Bungalow Lascar as a fresh entrant on the same pay from 12-7-90 and attached to Sri Jayamohan. In fact, the transfer of the said Sri Jayamohan was only against a leave vacancy and there was no immediate need for a Bungalow Peon when a regular Bungalow Peon attached to the permanent incumbent namely Sri H. R. Ramanujam was already available. Later, on transfer of Sri Jayamohan to Southern Railway in October, 1990, he did not prefer to take the Petitioner along with him and therefore, the services of the Petitioner was terminated on 30-10-90. In terms of General Manager, Southern Railway's Circular No. PB/CS/153 dated 25-09-65 only on completion of three years of service by a Bungalow Peon either with the same officer or with more than one officer, the Bungalow Peon would be given the same right as a regularly recruited peon. In the case of the Petitioner, he was not continued by the erstwhile officer after his transfer from Integral Coach Factory to Southern Railway as already a regular Bungalow Peon was available and since he had not completed three years service, the services of the Petitioner were terminated. The averment that on 14-2-91, the then General Manager Integral Coach Factory sponsored the name of the Petitioner to be appointed as his Bungalow Lascar is denied. The appointment of Bungalow Lascar is as choice appointment, the candidates appointed do not undergo the process of selection and are not empanelled against regular vacancies. Further they are Substitute Bungalow Lascars and are engaged by the officer to whom he is attached. All appointment orders issued to Substitute Bungalow Lascar carry the following conditions :—

You are liable to be discharged without any notice—

- (a) during the period of probation, if your services are not required for any reasons;
- (b) on the expiry of sanction to this post you hold;
- (c) in the event of your mental or physical incapacity;
- (d) when the officer for whom you are appointed as Bungalow Lascar is transferred and the succeeding officer does not require your services and
- (e) on your removal or dismissal from service after compliance with the provisions of Article 311 of the Constitution of India.

During the service period in the Bungalow of the General Manager/Integral Coach Factory, the Petitioner's services were found unsatisfactory and was no longer required by the General Manager. Therefore, his posting being a choice posting, was terminated with effect from 30-09-91. Later, on his termination, the Petitioner gave a representation that either he be appointed as Casual Labour in Integral Coach Factory or his name be recommended to Controller of Stores/Construction, Visakhapatnam for reengagement on a temporary basis. As there was no scope, his request was turned down. Since the office of the Controller of Stores was created temporarily at Visakhapatnam for assistance to the Chief

Accounts Officer and the connected staff cannot hold a lien as it may be closed at any stage. In fact, the office of the Chief Accounts Officer has been shifted to Calcutta and the office of the Controller of Stores has been closed since 1992. Therefore, the Petitioner could not be re-engaged. The Petitioner filed an industrial dispute before the Assistant Labour Commissioner (Central) Chennai in 1992 and the conciliation ended in failure. On his approaching the Hon'ble High Court, Madras, for a direction to the Ministry of Labour to refer the matter to the Industrial Tribunal, Chennai, the Hon'ble High Court has given such a direction on 3-4-97, the Industrial Dispute has been registered for adjudication. The termination of the services of the Petitioner is valid in law and in accordance with the conditions for the appointment. The Petitioner was engaged only as a Substitute Bungalow Lascar for the domestic services in the bungalow of the officer. Domestic work does not fall under the term industry and therefore, does not come within the purview of Section 2(i) of Industrial Disputes Act. The General Manager's circular No. PB/CS/153 dated 25-9-65 is clear that only on completion of three years continuous service, either with the same officer or more than one officer, the services of Bungalow Peon would be given the same right as regular recruited peons. Whereas, the services of the Petitioner initially ceased with the South Eastern Railway and thereafter, his subsequent appointments with Integral Coach Factory were afresh and not a transfer. The offer of appointment in Integral Coach Factory contained a clause that they were fresh and are liable to be terminated on the eventualities arising thereon. Therefore, the contention of continuity of service in South Eastern Railway with that in Integral Coach Factory is not tenable. Since the appointment as substitute Bungalow Lascar on each occasion was a fresh one and therefore, there cannot be continuity of service and the administration is under no obligation to pay retrenchment compensation. The post of a substitute Bungalow Lascar is choice post to be filled by an individual officer at his discretion and the principle of 'last come first go' does not apply in the instant case. As the appointment on each occasion by individual officer were not continuous, but a fresh one, even if the Petitioner had rendered one year continuous service he is not entitled for invocation of Section 25F of Industrial Disputes Act, 1947 inasmuch as the Petitioner is governed by General Manager's circular No PB/CS/153 dated 25-09-1965 and the substitute bungalow peons are different from other Casual Labour/substitutes who are governed by Chapter 15 of Indian Railway Establishment Manual Vol. I of 1989. Even though, the Petitioner had rendered his service in South Eastern Railway and in Integral Coach Factory in two spells, the existing rules do not permit inter-railway transfer of Casual Labourers and the past services rendered could not be reckoned as continuity of service as the conditions of engagement of substitute Bungalow Lascar differ from the engagements of Casual Labourers. The Petitioner was engaged only as a substitute, therefore, no notice of termination is necessary nor the payment of wages in lieu of the termination arises, thereby, the order of termination is in accordance with the law and there is no violation of principles of natural justice. As per the services of Sri S. Nagavain, Bungalow Lascar, he was appointed as early as 11-6-90, even before the transfer of Sri Jayamohan to Integral Coach Factory and therefore, the services of the said Nagavain were continued. Further, the services of the Petitioner were unsatisfactory and were no longer required by the General Manager, thereby the services were terminated 30-09-91. Therefore, the termination of the Petitioner who was engaged only as a substitute Bungalow Peon in the terms and conditions to his service conditions as circulated by General Manager's circular No. PB/CS/153 dated 25-09-1965 is legal and the Petitioner seeking for a direction for reinstatement with back wages and continuity of service and all other consequential benefits and costs is not tenable. Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the petition with cost.

4. The Point for my consideration is --

"Whether the action of the management of Integral Coach Factory, Madras in terminating the services of Shri S. Venkatesan, Bungalow Peon/Lascar with effect from 30-09-91 is just, proper and legal? If not, to what relief is the workman entitled?"

Point :—

This industrial dispute has been raised by the Petitioner, challenging the action of the Respondent/Management in terminating his services of the as Bungalow Peon/Lascar w.e.f.

30-09-91 is illegal and unjustified. Southern Railway, Headquarters Office, Personnel branch has issued a circular dated 25-9-1965 in respect of appointment and discharge of Bungalow Peons. The xerox copy of the first page of the circular is Ex. M1. The Senior Personnel Officer, Constructions, Visakhapatnam has given an approval in his letter dated 25-11-88 for appointing the Petitioner Sri S. Venkatesan as casual Bungalow Peon to work under Controller of Stores (Construction)/Visakhapatnam on the term, and conditions applicable to Casual Labour on railways. The xerox copy of that approval letter dated 25-11-88 is Ex. M2. In pursuance of approval by the competent authority under Ex. M2, the Petitioner was subjected to medical examination and was found fit for the proposed appointment. In pursuance of that approval of the competent authority, the Petitioner was appointed as casual Bungalow Peon w.e.f. 30-11-88. The xerox copy of that appointment order is Ex. M3. The Petitioner has joined the service of the O/o. Controller of Stores (Construction) on 30-11-1988. After completion of 360 days of service, the Petitioner was granted temporary status w.e.f. 24-11-89. An office order dated 8-12-89 was also issued to that effect, the typed copy of the same is Ex. W1. The Petitioner was also issued an identity card for service by the Controller of Stores (Construction) South Eastern Railway Visakhapatnam. The xerox copy of the same is Ex. W2. On 2-7-90, the Petitioner gave a requisition to the Chief Administrative Officer, South Eastern Railway Visakhapatnam, through proper channel, to release him with Sri Jayamohan, Controller of Stores (Construction) Visakhapatnam, when he has been transferred to Integral Coach Factory, Madras, since he is willing to work with him as his Bungalow Peon at his new place of posting. The xerox copy of the said requisition dated 2-7-90 of the Petitioner is Ex. M4. The Controller of Stores (Construction) Visakhapatnam, Sri Jayamohan also has sent his requisition along with Ex. M4, informing the authority that he intends to take the Petitioner as his Bungalow Peon along with him to Madras. The xerox copy of that requisition dated 2-7-90 is Ex. M5. Accordingly, an order was passed on 6-7-90 relieving the Petitioner, with a direction to report to Integral Coach Factory, Madras. The xerox copy of the same is Ex. W3. Then on reporting to the Integral Coach Factory for employment, the Petitioner was issued an order dated 11-8-90 by the Assistant Personnel Officer stating that he has been appointed as substitute Bungalow Lascar and posted to CMM/Shell Sri Jayamohan w.e.f. 12-7-90. The xerox copy of the same is Ex. W4. In pursuance of the request given by the Petitioner as well as the Officer, Sri Jayamohan, the Assistant Personnel Officer, Construction, Visakhapatnam had issued an order dated 6-7-90 stating that with the approval of the competent authority, the transfer order has been issued to the Petitioner to Integral Coach Factory, Madras, to work as Bungalow Peon to Controller of Stores (Construction)/Integral Coach Factory, Madras. The xerox copy of the said order dated 6-7-90 is Ex. M6. All these things are admitted by the Respondent/Management. While, the Petitioner was in service as Bungalow Lascar, he was issued an order dated 2-11-90 by the Senior Personnel Officer/R & T of Integral Coach Factory Madras stating that consequent upon the transfer of Sri Jayamohan CMM/shell from Integral Coach Factory to Southern Railway w.e.f. 30-10-90 forenoon, the services of Sri S. Venkatesan, employee No. 696335 Bungalow Lascar appointed to CMM/Shell Sri Jayamohan w.e.f. 12-7-90 are terminated w.e.f. 30-10-1990 forenoon. The xerox copy of that order is Ex. W5. Subsequently, the Petitioner was re-appointed w.e.f. 14-2-1991 to the post of substitute Bungalow Lascar as per the panel dated 13-2-90. The xerox copy of the said order dated 18-2-91 issued by the Senior Personnel Officer, Integral Coach Factory, Madras is Ex. W6. Earlier the Petitioner subsequent to his termination from service as per order under Ex. W5, gave a requisition to the General Manager, Integral Coach Factory, Madras, requesting him to consider him for the vacancy of the post of Bungalow Peon, General Manager's office. The xerox copy of his requisition dated 11-2-91 is Ex. M7. In pursuance of his requisition under Ex. M7, the Chief Personnel Officer with an approval by the General Manager of the Integral Coach Factory, Madras, has passed an order dated 13-2-91 appointing the Petitioner as substitute Bungalow Lascar and posted to General Manager/Integral Coach Factory. The xerox copy of the order dated 13-2-91 is Ex. M8. In pursuance of this order under Ex. M8, the Senior Personnel Officer, has passed an order dated 18-2-91 under Ex. W6. The Petitioner has also furnished his attestation form to the Integral Coach Factory, Madras. The xerox copy of the same is Ex. M9. Later, by an office order dated 30-9-91 of the

Senior Personnel Officer R & F Integral Coach Factory, Madras, the services of the Petitioner substitute Bungalow Lascar attached to General Manager was terminated w.e.f. 30-9-91 afternoon. The xerox copy of the same is Ex. W7. Then the Petitioner gave a requisition dated 1-8-92 for re-employment to re-engage as a Casual Labour to the General Manager's Office, Personnel Branch, Integral Coach Factory, Madras. They in turn, had forwarded that requisition to the General Manager, South Eastern Railway, Calcutta with their covering letter dated 18-4-92. The typed copy of that letter is Ex. W8. Then the Deputy Chief Personnel Officer of Integral Coach Factory, Madras, forwarded the appeal of the Petitioner to the Controller of Stores (Construction) South Eastern Railway, Visakhapatnam, along with his forwarding letter dated 11-5-92. The typed copy of that letter is Ex. W9. Having found that no favourable order has been received from Railways, the Petitioner has filed a 2A petition before the Assistant Labour Commissioner (Central) Madras. As it was ended in a failure, failure of conciliation report was sent by Assistant Labour Commissioner (Central) to the Government. Since the Government has not referred the matter to the Tribunal as an industrial dispute for adjudication, the Petitioner has filed a Writ Petition in the High Court of Madras, whereby the Central Government was directed to refer the matter as an industrial dispute for adjudication before the Industrial Tribunal. The xerox copy of the order passed by High Court of Madras dated 3-4-97 in W.P. No. 1916/95 is Ex. W10. The learned counsel for the Petitioner had advanced an argument that the Petitioner's services were terminated by an order dated 2-11-90 w.e.f. 30-10-90 by the Controller of Stores (Construction), South Eastern Railway, Visakhapatnam, without giving any notice or notice pay, so the said termination order is illegal on the ground that any order of termination should be passed only prospectively and not retrospectively and further it is in violation of principles of natural justice and also in violation of provisions of 2301, 2302, 2315, 2316 and 2313 of Railway Manual. Later, though the Petitioner was re-appointed, subsequent to his empanelment for appointment to the post of substitute Bungalow Lascar and appointed as such, and posted to General Manager w.e.f. 14-2-91 under Ex. W6, the termination of the Petitioner suddenly on 30-9-91 under Ex. W7 is illegal, since the Petitioner was terminated from service without any notice or notice pay though he had completed more than 240 days continuous service. He would further contend that the Respondents have not followed Section 2(oo) of the Industrial Disputes Act, 1947. He would further argue that the termination of service of the workman by the employer after the employee completes 240 days of continuous service, without any notice or notice pay is clear violation of Section 2(oo) and 25F of the Industrial Disputes Act, 1947 and he would further contend that the Supreme Court has decided so, in a case reported as 1990 2 LLJ 70 Punjab Land Development and Reclamation Corporation Ltd. Chandigarh Vs. Presiding Officer, Labour Court, Chandigarh. But, the learned counsel for the Respondent/Management would contend that the appointment of substitute Bungalow Lascar is subject to Circular No. PB/CS/153 dated 25-09-1965 clauses 3 and 4 and the same has not been superseded. So in terms of the circular, the J Party ought to have completed three years of continuous service as Bungalow Peon either with the same officer or with more than one officer. But, the Petitioner has completed first one year and then two years and ten months of service put together of different period, till the date he was last terminated on 30-9-91. He would further contend that the Circular under Ex. M1 is in existence since 1965 and that no statutory provision about the period of continuous service for conferment of temporary status for the substitute or a Casual Labour nor any limit of continuous period of service for such purpose has been stipulated and that the act of removal of the Petitioner from service by the Respondent/Management is not a retrenchment and violation of Section 2(oo) and 25F of the Act. He would further contend that a Division Bench of Principal Bench of Central Administrative Tribunal, New Delhi by its order dated 12-2-99 has held in a similar situation that 'Bungalow Peons are not railway employees and their services are contractual in nature and can be discharged in terms of the contract'.

5. The various documents filed on either side go to show that the appointment of the Petitioner by the Respondent/Management, Railways, is only a recognition of the Petitioner as a railway employee earlier under Ex. W1, South Eastern Railway, wherein the Petitioner was employed from 30-11-88 as Bungalow Peon, who was also termed as a casual worker

working under Controller of Stores (Construction)/Visakhapatnam was granted temporary status w.e.f. 2-11-89 on completion of 360 days of service. It is further mentioned in that order Ex. W1 that the Petitioner is entitled for right and privileges applicable for temporary employees. From the records available in this case, it is seen that the Petitioner was initially appointed as a Bungalow Peon w.e.f. 30-11-88 as per the order passed by the competent authority after having found him fit in the medical examination for the post of Class C(2). The Petitioner has subsequently transferred from South Eastern Railway, Visakhapatnam to Integral Coach Factory, Madras, by a regular office order by the Controller of Stores (Construction), South Eastern Railway, Visakhapatnam. In none of the orders issued to the Petitioner, any reference has been made with regard to the alleged Circular of the Southern Railway dated 25-9-1965. From that, the Petitioner was not put in notice of this particular circular under Ex. M1 at any point of time, while he was in service. Without recognising him as a railway employee, even in South Eastern Railway itself, the Petitioner would not have been granted temporary status on his completion of 360 days of service on 2-11-1989. Therefore, the contention of the learned counsel for the Respondent/Management that the Petitioner cannot be considered as a railway employee or as a workman under the Respondent/Management Railways cannot be accepted as correct. It is the further contention of the learned counsel for the Respondent/Management that the Principal Bench of Central Administrative Tribunal, New Delhi has observed that 'the Bungalow peons are not railway employees and their services are contractual in nature and they may be discharged from service in terms of the contract.' The Central Administrative Tribunal, Principal Bench was obliged to make one such observation in that case on the basis of the counsel on either parties in that case conceded that the Bungalow Peons were not railway employees and their services were contractual in nature. From this, it is seen that as it has been argued by the learned counsel for the Petitioner, the said conclusion has not been arrived by the Hon'ble Principal Bench of Central Administrative Tribunal, New Delhi, on merits, after hearing the counsel on either side as a contested issue.

6. Another argument has been put forth by the learned counsel for Respondent/Management that the Petitioner was doing only the domestic work in the Bungalow of the railway official and he cannot be considered as a railway employee and though railway has been recognised as industry under Industrial Disputes Act, 1947, the Petitioner cannot be considered as a workman under the Respondent Railways to avail the provisions of Industrial Disputes Act. Hence, the II Party/Management removing the Petitioner from service does not amount to retrenchment and violation of 2(oo) and 25F of the Industrial Disputes Act, 1947 and the non-issue of notice and non-payment of notice pay or compensation for such termination of service cannot be said to be illegal or unjustified. The various documents filed on either side and the plea taken by the Respondent/Management in their counter itself that as per terms of para 15.15 of Establishment Manual the temporary railway servants' rights and privileges are admissible to substitutes go to show that the Respondent railway management has recognised the Petitioner who has been employed as Bungalow Lascar as a railway employee only. Further, the Petitioner as Bungalow Lascar was paid salary by the railway management only and not by the officer who has engaged his services as Bungalow Lascar. Appointment, Maintaining the service records, transfer of these Bungalow Peons and their termination from service are all being done by the Railway Management only. These facts are not disputed by the Respondent Railways. Hence, the contention of the learned counsel for the Respondent that the Bungalow Peons are not railway employees and their services are contractual in nature and can be discharged in terms of the contract cannot be accepted as correct. Courts have held that 'the termination of the service of the Bungalow Lascar without notice is in violation and contrary to Section 25F of Industrial Disputes Act, 1947'. It is evident from the records available in this case, even when the Petitioner was working in South Eastern Railway, on his continuous service of 360 days, he has been conferred temporary status. That being the case when he has completed the service of 240 days of continuous service and in recognition of his earlier service in South Eastern Railway, he has been transferred to Integral Coach Factory, Madras, can at the best be considered as his continuous service in the railway management and his termination of service without any notice without any pay or compensation is a clear violation of Section 2(oo) and 25F of the

Industrial Disputes Act, 1947, as held by the Supreme Court in its various decisions on this aspect. In the recent judgement reported as AIR 2000 SC 454 between the Management of MCD and Prem Chand Gupta and another, it is held that 'when a workman has completed service not less than 240 days of continuous service for one calendar year, immediately preceding to the order of termination, the termination amounts to retrenchment and that non-payment of retrenchment compensation makes the termination null and void and the workman is entitled to be reinstated in service.' This decision of the Supreme Court is squarely applicable to the present case also. Hence, under such circumstances, it can be concluded that the action of the Management of Integral Coach Factory, Madras in terminating the services of Sri S Venkatesan Bungalow Peon/Lascar w.e.f. 30-09-91 is in violation of Section 2(oo) and 25F of the Industrial Disputes Act, 1947 and hence, it is unjust, improper and illegal. Therefore, the concerned workman is entitled for reinstatement in service and considering the continuous services of the Petitioner as properly appointed substitute Bungalow Lascar by the Respondent/Integral Coach Factory, the Respondent/Integral Coach Factory, Chennai is directed to consider reinstatement of the Petitioner/Workman for regular absorption as Group D staff in the next immediately arising vacancy. Thus, the point is answered accordingly.

7 In the result, an Award is passed holding that the Petitioner Sri S Venkatesan is entitled for reinstatement in service and the Respondent/Management of Integral Coach Factory, Chennai is directed to consider reinstatement of the Petitioner/Workman for regular absorption as Group D post in the next immediately arising vacancy. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 11th April, 2002)

K KARTHIKEYAN, Presiding Officer

Witnesses Examined —

On either side : None

Exhibits marked :—

For the I Party/Workman

Ex No.	Date	Description
W1	08-12-89	Xerox copy of the order granting temporary status to the Petitioner issued by the Respondent/Management
W2	Nil	Xerox copy of the identity card issued by the Respondent/Management.
W3	06-07-90	Xerox copy of the order of the Respondent fixing the Scale of pay of the Petitioner
W4	11-08-90	Xerox copy of the appointment order as substitute Bunglow Lascar to CMM/Shell
W5	02-11-90	Xerox copy of the order of termination of the Petitioner from service issued by Senior Personnel Officer
W6	18-02-91	Xerox copy of the re-appointment order issued by the Respondent to the Petitioner
W7	30-09-91	Xerox copy of the order of termination of the Petitioner from service issued by Senior Personnel Officer R & T
W8	18-04-92	Xerox copy of the letter from General Manager, Personnel Branch, Chennai to General Manager South Eastern Railway, Calcutta
W9	11-05-92	Xerox copy of the letter of Dy Chief Personnel Officer, Integral Coach Factory Madras to Controller of Stores/Cons South Eastern Railway Visakhapatnam
W10	03-04-97	Xerox copy of the order of the Hon'ble High Court, Madras in W P No 1916/95

For the II Party/Management :—

M1 25-09-65 Xerox copy of the circular issued by Headquarters Office, Southern Railway with regard to appointment and discharge of Bungalow Peon

M2 25-11-98 Xerox copy of the letter communicating the approval of competent authority for appointment of the Petitioner.

M3 30-11-88 Xerox copy of the appointment order issued to the petitioner as casual Bungalow Peon.

M4 02-07-90 Xerox copy of the application for the Petitioner to the Chief Administrative Officer seeking transfer to Madras

M5 02-07-90 Xerox copy of the letter of Sri S Jayamohan, Controller of Stores to SE Railway, Visakhapatnam enclosing original application of the Petitioner

M6 06-07-90 Xerox copy of the transfer order issued to the Petitioner.

M7 11-02-91 Xerox copy of the representation of the Petitioner to the General Manager, ICF, Madras.

M8 13-02-91 Xerox copy of the appointment order issued to the Petitioner as substitute Bungalow Lascar.

M9 16-02-91 Xerox copy of the attestation form submitted by the Petitioner to the ICF, Madras

M10 01-08-94 Xerox copy of representation of the Petitioner to the General Manager, ICF for engagement as Casual Labour

M11 Nil Xerox copy of the proforma of offer of appointment letter for the post of substitute Bungalow Lascar.

नई दिल्ली, 30 अप्रैल, 2002

का.आ. 1630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इंस्टीट्यूट रेलवे के प्रबंधतत्र के सबद्व नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण स. I, धनबाद के पचाट (सदर्भ संख्या 169/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-4-02 को प्राप्त हुआ था।

[स एल-41011/60/89-प्राई आर.(डी प्.)[(बी-I)]

अर्जय कुमार, डैस्क अधिकारी

New Delhi, the 30th April, 2002

S.O. 1630.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No 169 of 1990) of the Central Government Industrial Tribunal No I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway and their workmen, which was received by the Central Government on 29-04-2002

[No L-41011/60/89 I R (DU)/(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO I AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No 169 of 1990

PARTIES :

Employers in relation to the South Eastern Railway.
AND
Their Workmen.

PRESENT :

Shri S. H. Kazmi, Presiding Officer.

APPEARANCES :

For the Employers : None.

For the Workman : None.

STATE : West Bengal INDUSTRY : Railway
Dated, the 12th April, 2002

AWARD

By Order No. L-41011/60/89-I.R.(DU) dated 27-7-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of Railway Administration (S.E. Railway, Adra Division) in not regularising the service of S. Shri Nando Kumar, Soleman Nania, Sukhdev Mahto, Rohina Mahto, Prem Chand Mahto, Shankar Mahto, Aghnun Kumhar and Bhikhu Kumhar as Parcel Hamals and not paying them proper wages is justified ? If not, what relief these workmen are entitled to?"

2. It appears from the record that by order dated 27-11-1990 itself, after having noticed that the concerned workman had filed a case in respect of the same subject matter of the dispute before the Central Administrative Tribunal at Calcutta in the year 1989, the present reference was ordered to be adjourned sine die till the disposal of the application pending before the Central Administrative Tribunal at Calcutta. Thereafter it appears that at no point of time any step was taken or any information was furnished before this Tribunal as to what happened in that case which was pending before the Central Administrative Tribunal. This Tribunal is still in dark as regards any further development in that case and it was not considered necessary by the concerned workman to intimate this Tribunal about that. It further appears that the written statement has not been filed as yet on behalf of the concerned workman. On 28-2-2002 after noticing the past developments the case was adjourned for 10-4-2002 either to file written statement or to intimate to this Tribunal about further development in the aforesaid case which was earlier pending before the Central Administrative Tribunal. Despite sending a fresh notice under registered post also even on 10-4-2002 there was no development whatsoever and the position remained the same. It is thus clear that the concerned workman is not interested in pursuing the present case. So it is needless to keep this case pending any further.

3. In such circumstances, I render a 'No Dispute' award in this reference case.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इसको के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 99/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-04-2002 को प्राप्त हुआ था।

[सं.एल-20012/51/93-आई.आर. (सी-I)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th April, 2002

S.O. 1631.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/93) of the Central Government Industrial Tribunal-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 17-04-2002.

[No. L-20012/51/93-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD****PRESENT :**

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 99 of 1993

PARTIES :

Employers in relation to the management of Jitpur Colliery of M/s. IISCO. Ltd.

AND

Their Workman

APPEARANCES :

On behalf of the Workman.—None.

On behalf of the Employers.—None.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 27th March, 2002

AWARD

The Govt. of India. Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(51)/93-I.R.(Coal-I), dated, the 23/26th July, 1993.

SCHEDULE

"Whether the action of the management of Jitpur Colliery of IISCO. Ltd.

P.O. Jitpur, Dt. Dhanbad in retiring Sh. D. K. Banerjee w.e.f. 24-4-90 with reference to the date of birth recorded in the matriculation certificate is justified ? If not, to what relief the workman is entitled ?"

2. The case of the concerned workman according to W.S. in brief is as follows :—

The concerned workman in his W.S. submitted that he was employed Jitpur Colliery under the management on 19-6-69 and at the time of getting his employment his date of birth was recorded in the Form B Register as 24-4-1936. He disclosed that since he attained his age of 60 years the management on the basis of that alleged date of birth superannuated him from his service on 24-4-90 inspite of his repeated protest and request the authority to correct his date of birth on 24-4-36. He disclosed that actually he was 54 years old on 24-4-96. i.e. on the date of his superannuation.

He submitted that he passed Bihar Secondary School Examination in the month of February, 1952 and his date of birth in the said certificate was recorded as 24th April, 1936. He submitted that accidentally he lost his Secondary School Examination Certificate and for which at the time of his employment he was confused if his date of birth was 24-4-36 or 24-4-30. Accordingly being confused he disclosed his date of birth as 24-4-30 which was recorded in the statutory service records and in the Overman's certificate.

He submitted that his age recorded in the Secondary School Examination certificate is binding but ignoring his date of birth recorded in the said certificate the management passed and illegal and arbitrary order in superannuating him from his service long before his attaining 60 years of age.

He disclosed that as the management refused to rectify his date of birth in the statutory service record relying on his secondary school examination certificate his union raised an industrial dispute before the ALC(C). Dhanbad for conciliation which ultimately resulted reference to this Tribunal. He accordingly has prayed for passing an Award directing the management to reinstate him in service with full back wages.

3. The management on the contrary after filing W.S.-cum-rejoinder has denied all the claims and allegations which the concerned

workman asserted in his W.S. The management submitted that it is mandatory provision to disclose the date of birth of the candidate who is to sit for Overmanship Examination conducted by the Board of Mining Examination. They disclosed that the concerned workman not only disclosed his date of birth as 24-4-30 in the application for Overmanship examination but also before the management when he got his appointment. Accordingly his date of birth as 24-4-30 was recorded not only in the Overmanship certificate but also in the statutory register maintained by them. They further disclosed that the concerned workman also disclosed the same date of birth i.e. 24-4-30 in the C.M.P.F. record.

Management submitted that the concerned workman is a qualified person and for which it is unthinkable that he would disclose wrong date of birth in all the statutory papers of different wings. Management submitted that JBCL in its meeting held on 19/20-8-87 decided that in the case of statutory certificate holders employed in coal mines their date of birth would be finally regarded as that indicated in their statutory certificate. This decision also is binding upon the concerned workman. It has been further submitted by them that under the Coal Mines Regulation, no one is permitted to work as an Overman beyond 60 years as per date indicated in the Overmanship certificate. Accordingly, even if the age of the concerned workman is reduced, he cannot be employed by them as the Board of Mining Examination will under no circumstances alter the date of birth of the concerned workman in the Overman's certificate. They alleged that the concerned workman started agitating for rectification of his date of birth immediately before his date of his superannuation though he had sufficient scope to raise such dispute long before his date of superannuation particularly when it has been exposed that the said certificate was issued in the month of August, 1963. Accordingly they alleged that the certificate which the concerned workman relied on was nothing but a fake one and the same was manufactured with a view to enjoy service for some more years. Accordingly the management submitted their prayer to pass Award rejecting the claim of the concerned workman.

4. The points to be considered in this reference are :—

"Whether the action of the management of Jitpur Colliery of IISCO. Ltd.,

P.O. Jitpur Dt. Dhanbad in retiring Sh. D. K. Banerjee w.e.f. 24-4-90 with reference to the date of birth recorded in the matriculation certificate is justified ? If not. to what relief the workman is entitled ?"

DECISION WITH REASONS

5. Management in order to rebut the claim of the concerned workman has examined two witnesses while the concerned workman did not adduce any evidence in support of his claim.

6. It is admitted fact that the concerned workman got his employment at Jitpur Colliery as Overman under the management on 19-6-69. It is also admitted fact that the concerned workman was superannuated from his service on 24-4-90. It is the claim of the management that as per service record and statutory certificate of Overman issued by the Board of Mining examination date of birth of the concerned workman was recorded as 24-4-30. Accordingly, on attaining the age of 60 years on 24-4-90 the concerned workman got his order of superannuation and in doing so they did not commit any illegality. On the contrary the concerned workman in his W.S. submitted that he passed Bihar Secondary School's examination wherein his date of birth was recorded as 24-4-36 but as he lost that certificate at the time of his employment he disclosed his date of birth as 24-4-36. He admitted that in the application for his appearing in the Overman's examination conducted by the Board of Mining Examination he disclosed his date of birth also as 24-4-36 and accordingly in the Overman's certificate the same date of birth was recorded. He submitted that it was a mistake on his part and accordingly he submitted representation before the management for rectification of his date of birth but the management illegally and arbitrarily refused his prayer and superannuated him from his service on attaining his alleged age of 60 years on 24-4-90.

7. On the contrary denying the claim of the concerned workman management submitted that he submitted his representation just before his date of superannuation though he got the said School Leaving Certificate in the year 1963. Management submitted that the concerned workman did not assign any reason why he made such inordinate delay to submit his representation for rectification of his date of birth. Accordingly management alleged

that the said certificate is a fake one and it was manufactured by him to deceive the management. Management further submitted that not only in the Form B Register but also in C.M.P.F. record date of birth of the concerned workman was recorded as 24-4-30. In the Overman certificate issued by the Board of Mining Examination date of birth of the concerned workman was recorded as 24-4-36. Management further submitted that JBCCI in its meeting held on 19/20-8-87 decided that in case of statutory certificate holder employed in Coal Mines their date of birth would be finally regarded as that indicated in their statutory certificate. Accordingly the management submitted that even if the claim of the concerned workman is considered in that case also he would not be allowed to work as Overman and his date of birth in the overman's certificate was recorded as 24-4-30 as because that certificate is to be considered as statutory certificate as per JBCCI circular.

8. Obviously in view of the submission on the side of the management the question which has been cropped up here is why the concerned workman remained silent for such long years without submitting any representation for rectification of his date of birth in the statutory records particularly when he got his School Leaving Certificate in the year 1964. It is seen that the concerned workman was a qualified person. As such there is no scope to accept any such plea that he was not aware of the position in question. It is seen that the concerned workman inspite of getting ample opportunities did not consider necessary to adduce evidence with a view to substantiate his claim. He also did not consider necessary to examine the officials of the Board of Examination to establish that the School leaving certificate issued was genuine one. No satisfactory explanation is also forthcoming before this Tribunal why he made such inordinate delay in making such application for rectification of his date of birth.

9. It is seen that in all statutory registers as per JBCCI Circular the date of birth of the concerned workman was recorded as 24-4-30. It is not the case of the concerned workman that illegally and arbitrarily the management without his knowledge and also ignoring his School leaving certificate recorded his date of birth wrongly. On the contrary it is clear that his date of birth was recorded in the statutory register on the basis of information given by him. The plea taken

by the concerned workman that at the relevant times as he lost his certificate and also as he forgot his date of birth he could not give his exact date of birth not only to the management at the time of his employment but also in the application for his appearance in the Overman examination conducted by the Board of Mining examination cannot be accepted as cogent plea.

10. There is sufficient reason to believe considering all aspects carefully that the concerned workman suppressed his exact date of birth for the reason best known to him all throughout his service career. The representation for rectification of his date of birth which he submitted at the fag end of his service cannot be accepted at all. I hold that the management did not commit any illegality in refusing the claim of the concerned workman. There is also no scope to say that by refusing this representation the management violated the principles of natural justice.

11. Accordingly after careful consideration of all the facts and circumstances I hold that the concerned workman is not entitled to get any relief which he has prayed for.

In the result, the following Award is rendered :—

“The action of the management of Jitpur Colliery of IISCO. Ltd., P.O. Jitpur, Dist. Dhanbad in retiring Sh. D. K. Banerjee w.e.f. 24-4-90 with reference to the date of birth recorded in the matriculation certificate is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS. Presiding Officer

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1632.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 37/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-04-2002 को प्राप्त हुआ था।

[सं. एल-20012/60/95-आई.आर. (सी-I)]
एस.एस. गुप्ता, अवर मन्चिव

New Delhi, the 19th April, 2002

S.O. 1632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of

1947), the Central Government hereby publishes the award (Ref. No. 37/96) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 17-04-2002.

[No. L-20012/60/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 37 OF 1996

PARTIES :

Employers in relation to the management of Loyabad Colliery of M/s. BCCL.

AND

Workman

APPEARANCES :

Their Workman

On behalf of the Workman.—Shri N. G. Arun, Advocate.

On behalf of the Employers.—None.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 26th March, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/60/95-I.R.(Coal-I), dated. the 19th March, 1996.

SCHEDULE

“Whether the action of the management of Loyabad Colliery of M/s. BCCL in stopping Shri Mohan Singh, Stowing Mazdoor and Shri Darshu Singh, Lamp Mazdoor from their duties is justified ? If not, to what relief the workmen are entitled ?”

2. In course of hearing of the instant reference the representative of the concerned workman relying on the petition dt. 12-11-98 submitted that the concerned workmen are not interested to proceed with the hearing of the case and accordingly submitted his prayer to close the file. Perused the petition dt. 12-11-98 and heard the representative of the concerned workmen. As the concerned workmen are not willing to proceed with the hearing of the case I do not find any reason to proceed with the matter any further. In the result, a 'No dispute' Award is rendered and the reference is disposed of on the basis of the 'No dispute' Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1633 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतात्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2, धनबाद के पंचाट (संदर्भ संख्या 87/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-04-2002 को प्राप्त हुआ था।

[सं.एल-20012/90/97-आई.आर. (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th April, 2002

S.O. 1633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/97) of the Central Government Industrial Tribunal-2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 17-04-2002.

[No. L-20012/90/97-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute
under Section 10(1)(d) of the I.D.
Act, 1947.

REFERENCE NO. 87 OF 1997

PARTIES :

Employers in relation to the management
of Khas Mahal Project of M/s. CCL.

AND

Their Workman

APPEARANCES :

On behalf of the Workman.—Shri D. Mukherjee, Advocate.

On behalf of the Employers.—Shri D. K. Verma, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 26th March, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/90/97-IR(C-I), dated, the 23rd July, 1997.

SCHEDULE

"Whether the action of the management of Khas Mahal Project of C.C.L., P.O. Sunday Bazar, Dist. Bokaro in dismissing Shri Somar Mandal from service w.e.f. 6-10-95 is justified ? If not, to what relief the workman is entitled ?"

2. In this reference both the parties appeared and filed their respective W.S. documents etc. Subsequently, in course of hearing learned Advocate for the management relying on Order No. 18 dated 11-10-99 passed by this Tribunal submitted that the concerned workman may be entitled to get his dues prior to the date of his order of dismissal from the management. If any such order is passed in that case they will not raise any objection. Learned Advocate for the concerned workman submitted that the concerned workman is not willing to proceed with the hearing of the case any further if his dues are paid by the management. I heard both the parties. It is clear that the concerned workman is not entitled to get the monetary benefit from the date when he was dismissed from his service. As the concerned workman is not agitating that aspect, his petition for disposal of this

case may be considered in view of the prayer. Accordingly, a 'No dispute' Award is rendered and the reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the parties presently with direction to the management to pay all the dues of the concerned workman upto the date of his dismissal.

B. BISWAS. Presiding Officer

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1634 : औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबंध भित्तों और उनके कर्मकारों के बीच, अनुवध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 70/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-04-2002 को प्राप्त हुआ था।

[सं.एल-20012/175/92-आई.आर. (सी-I)]

एम.एस. गुप्ता, अवर मन्त्रिव

New Delhi, the 19th April, 2002

S.O. 1634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/93) of the Central Government Industrial Tribunal-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L and their workman, which was received by the Central Government on 17-4-2001.

[No. I-20012/175/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 70 OF 1993

PARTIES :

Employers in relation to the management of Moonidih Project of M/s. BCCL and their workman.

APPEARANCES ::

On behalf of the workman : Shri D. Mukherjee, Advocate.

On behalf of the employers : Shri H. Nath, Advocate.
STATE : Jharkhand INDUSTRY : Coal.

Dated, Dhanbad, the 27th March, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/175/92-I.R. (Coal-I), dated, the 28th May, 1992.

SCHEDULE

"Whether the action of the management of Moonidih Project of M/s. BCCL, Dhanbad in denying re-instatement of Shri Gurupada Bouri, T. No. 1892 with back wages is justified? If not, to what relief the workman is entitled?"

2. The case of the concerned workman accordingly to W.S. in brief is as follows :—

The concerned workman in the W.S. submitted that he was a permanent workman at Moonidih Project since long with unblemished record of service. He submitted that he remained himself absent from duty due to unavoidable circumstances to him on 1-7-1991 for allegedly absenting. He disclosed that inspite of giving prior information in relation to his absence from duty the management issued a charge-sheet to him on 1-7-1991 for allegedly absenting from effect from 29-12-1990. He submitted further that the management intentionally issued the said chargesheet inspite of the fact that he was unable to resume his duties for the reasons submitted by him to the management. He alleged that on the basis of the said chargesheet the management started an exparte enquiry through the E.O. and on the basis of the report of the E.O. the disciplinary authority dismissed him from service with effect from 18-9-1991. He submitted that the said order of dismissal was arbitrary, illegal and also against the principles of natural justice. Accordingly he raised an industrial dispute before the ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication. The concerned workman accordingly submitted to pass an Award with direction to the management to reinstate him in service with full back wages.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in their W.S. The management submitted that the concerned workman started absenting from duty without prior permission and unauthorisedly and also without sufficient cause from 28-12-1990 and accordingly finding no other alternative way they issued a chargesheet dated 1-7-1991 under clause 26.1.1 of the Certified Standing Order of the company. They alleged further that the concerned workman wilfully absented from duty without sufficient cause and as such he became liable for disciplinary action under the said certified standing order. As the concerned workman did not submit any reply to the chargesheet dated 1-7-1991 Shri R. C. Srivastava, Dy. P.M. Moonidih Project was appointed as Enquiry Officer and Shri A.P. Pande was appointed as Presenting Officer. Thereafter the E.O. issued registered notice to the concerned workman with direction to attend the enquiry proceeding on 12-7-1991 but did not attend before the E.O. on the said date. Thereafter another registered letter was sent to the concerned workman directing him to appear before the E.O. but he did not turn up. Accordingly the domestic enquiry was conducted on 13-8-1991 exparte by the E.O. against the concerned workman and the said enquiry officer submitted his report finding the concerned workman guilty of misconduct for violation of clause 26.1.1. The management further submitted that the disciplinary authority after perusing all the enquiry papers came to the conclusion that the concerned workman committed serious misconduct relating to his absence from duty unauthorisedly and accordingly approved the order of dismissal of the concerned workman and thereafter the concerned workman was dismissed from his service with immediate effect by letter dated 15/17-9-1991. The management further submitted that by passing the said order of dismissal neither they commit any illegality nor violated the principles of natural justice. Accordingly the management submitted their prayer for passing an Award rejecting the claim of the concerned workman.

4. The points for consideration in this reference are :—

"Whether the action of the management of Moonidih Project of M/s. BCCL, Dhanbad in denying re-instatement of Shri Gurupada Bouri, T.N. 1892 with back wages is justified? If not, to what relief the workman is entitled?"

5. DECISION WITH REASONS

It is seen from the record that preliminary hearing on the point of fairness, validity and propriety of the enquiry proceeding held by the E.O. in course of domestic enquiry was

taken up by this Tribunal before hearing the instant case on merit. It is seen further that in course of preliminary enquiry hearing not only the concerned workman was examined as witness but also one witness was examined on behalf of the management. Order on the point of preliminary hearing was passed vide Order No. 56 dated 20-2-2002 and it was held that the domestic enquiry conducted by the E.O. was fair, proper and in accordance with the principles of natural justice. As such at this stage I do not find any scope to reopen again the case with a view to justify the claim of the concerned workman. If the said enquiry was held fairly, properly and in accordance with the principle of natural justice. Here the only point for consideration is whether the charge which was brought against the concerned workman has well been established by the management or not and if so whether the order of dismissal passed by the disciplinary authority was fair, proper and in accordance with the principles of natural justice. Learned Advocate for the concerned workman in course of hearing submitted that the management has failed to establish the charge which was brought against the concerned workman in course of domestic enquiry. It is seen that the concerned workman was charged under clause 26.1.1 of the Certificate S.O. for his absence from duty with effect from 28-12-1990. Clause 26.1.1 speaks that it amounts an act of misconduct if it is found that the concerned workman was in the habit of habitual wilful or habitual absence from duty without sufficient cause. I have considered the record carefully and I find no dispute to hold that the management has failed to establish beyond all reasonable doubt if the concerned workman as in the habit of absenting from duty to the place of his work habitually. As such there is no scope to say that the concerned workman committed any misconduct for his habitual absence from duty. Learned Advocate for the concerned workman submitted that the management has failed to establish the allegation that the concerned workman remained himself absent from duty wilfully or he was absent from duty without sufficient cause. The chargesheet marked as Ext. M-2 shows that it was given to the concerned workman for his absence from duty with effect from 29-12-1990 without information or sufficient reason. The concerned workman during his evidence admitted his remaining himself absent from duty continuously for one year from the alleged date. Accordingly there is no dispute to hold that the concerned workman remained absent for a long period. Now the question is whether that absence on the part of the concerned workman was wilful or not and also whether there was sufficient cause for remaining himself absent during the said period. In the W.S. the concerned workman submitted that he could not attend his duty due to unavoidable circumstances. He did not make any whisper in the W.S. if that absence was for the reasons of his ailment or not. Until and unless any reason is assigned it is not possible on the part of the management to assert if the absence of the concerned workman from duty had any sufficient cause or not. The word used by the concerned workman "Unavoidable circumstances" is a vague one. The concerned workman cannot avoid his responsibility to clarify the circumstances. Naturally onus shifts on the concerned workman to establish the reasons of his absence and if he fails to prove in that case there will be sufficient ground to presume that such absence on the part of the concerned workman was without sufficient cause which was wilful. The workman must have to face through disciplinary proceeding while he was absent under the management. Accordingly the concerned workman cannot avoid responsibility to clarify the reasons of his absence. The concerned workman in the W.S. submitted that he informed the management about the ground of his absence but the management did not pay any heed to his representation. The concerned workman had got ample opportunity to submit any copy of his representation which he submitted to the management before the Tribunal in course of hearing but he did not care to justify his claim also before the management. On the contrary from his evidence I find that the concerned workman had taken a different plea of his absence. He submitted that due to his continuous ailment he could not attend his duty and that ailment lasted for a year. If the submission of the concerned workman is accepted in that case there is sufficient reason to believe that ailment was a serious one. No explanation is forthcoming why the concerned workman was not admitted in the hospital run by the management for his treatment. The concerned workman also had not ample scope to submit necessary medical papers in support of his ailment while he was examined as witness before this Tribunal in course of preliminary hearing. With utter surprise it is noticed that the concerned workman inspite of getting ample opportunity did not consider necessary to submit a single scrap of medical paper to satisfy his reason for absence from

duty. Learned Advocate for the concerned workman submitted that there was no reason to issue registered notice to the concerned workman while he was in service very much after the period of his absence from duty. The enquiry proceeding is an independent procedure and it is the bounden duty of the E.O. to send notice to the concerned workman. It is immaterial whether the concerned workman works under the management at that relevant time or not. From the evidence of MW-1 it shows clearly that he sent notice to the concerned workman to his home address twice by Regd. Post with A/D but the said notices were returned back with the comment of the postal peon "Not found out of station". It is further seen that thereafter the E.O. published the said notice of enquiry in the daily newspaper "Awaj" but that too did not yield any result. The management categorically denied the fact that after enjoying such long period of absence the concerned workman came to resume his duties. Over this issue in course of cross-examination specific question was put to the concerned workman. But the concerned workman has failed to produce a single scrap of paper to show that after his long absence from duty the management allowed him to resume his duty and at that relevant time of enquiry he has very much on duty. Therefore, the argument extended by the learned Advocate for the concerned workman finds no basis at all. The concerned workman cannot exonerate his liability to establish that he was very much on duty at the time when the enquiry officer conducted the enquiry exparte against him. My order No. 56 dated 20-2-2002 is clear about the legality, validity and propriety of the enquiry held by the E.O. against the concerned workman. As such at this stage I find no sufficient ground in absence of any cogent evidence on the part of the concerned workman to say that the enquiry conducted by the enquiry officer was not fair, proper and in accordance with the principles of natural justice. As such after careful consideration of all the facts and circumstances which I have discussed above there is sufficient reason to believe that the concerned workman committed misconduct under para 26.1.1 of the certified S.O. for his wilful and habitual absence from duty without sufficient cause.

6. Learned Advocate for the concerned workman submitted that prior to the order of dismissal the management did not submit any copy of enquiry proceeding to the concerned workman and as such learned Advocate submitted that the order of dismissal passed by the disciplinary authority has been vitiated and for which the same is liable to be set aside. In support of this claim the concerned workman has referred to a decision reported in 1 CLR SC 61. In para-18 of the said decision Their Lordships of the Hon'ble Apex Court observed:

"We may it clear that wherever there has been an Inquiry Officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry holding the delinquent guilty of all or any of the charges with proposal for any particular punishment or not, the delinquent is entitled to a copy of such report and will also be entitled to make a representation against it, if he so desires, and non-furnishing of the report would amount to violation of rules of natural justice and make the final order liable to challenge hereafter."

It is accordingly relying on the said decision learned Advocate for the concerned workman submitted that not only the enquiry proceeding was held exparte against the concerned workman but also before passing the order of dismissal the disciplinary authority did not consider necessary to hand over copies of the enquiry proceeding for giving his reply. On the contrary learned Advocate for the management submitted that as the concerned workman constantly remained himself absent the E.O. after taking all steps failed to take up the enquiry and after completing the enquiry submitted his report before the disciplinary authority. Learned Advocate further submitted that there was no scope on the part of the management to hand over the copies of the enquiry proceeding to the concerned workman as the concerned workman was not traceable. From the W.S. submitted by the concerned workman I do not find any whether if he submitted any demand for supply of copies of enquiry proceeding to him. There was also no whisper on the part of the concerned workman in the W.S. that he was seriously prejudiced for passing the said order of dismissal by the disciplinary authority without supplying copies of enquiry proceeding that he did not get any chance to submit his representation for consideration of his dismissal order by the disciplinary authority. Question of handing over papers rebutting to enquiry would

definitely arise if it is established that the concerned workman was very much available. Accordingly I do not find any sufficient ground to say in view of the facts discussed above that the enquiry proceeding was vitiated as the disciplinary authority while passing the order of dismissal did not hand over the copies of enquiry proceeding to the concerned workman for giving him opportunity to submit representation further. Therefore, on careful consideration of all the facts and circumstances I hold that the charge which was brought against the concerned workman under clause 26.1.1 of the Certified S.O. cannot be said to be illegal or arbitrary. Now it has to be looked into here whether the punishment of dismissal inflicted upon the concerned workman was fair, proper and also in accordance with the principles of natural justice. It is seen that the management vide order dated 15/17-9-1991 Ext. M-11 dismissed the concerned workman from service. There is no dispute to hold that the order of dismissal shall be considered as economic death of a workman. Therefore, it is to be considered with great care if that order of dismissal passed by the management was in accordance with the principles of natural justice or not. Learned Advocate for the concerned workman submitted that the order of dismissal passed by the management for absence of the workman for a certain period appears to be too harsh and for which there is no scope to say that the said order of dismissal passed by the management was in accordance with the principles of natural justice. In support of this claim the concerned workman relied on the decision reported in 1984 S.C. case L&S 281, 2001 L&N 802 (SC), 2001(1) L&N 804 (SC). I have considered all the decision referred to above carefully and hold that reconsideration of order of dismissal varies according to the depth of the misconduct committed by the concerned workman. Each case has its own independent merit and grounds. Accordingly all the grounds are to be considered carefully before reconsidering order of dismissal issued by the disciplinary authority. There is no dispute to hold that the management is supposed to maintain discipline for smooth running of the administration as well as its production. Certified S.O. has come into force in accordance with the provisions of I.E.S.O. Act, 1946 and it applies to all the workmen under the management and also it includes all the workmen governed by the NCWA. Therefore it should be the responsibility of the workman to maintain the guidelines given in the Certified Standing Order strictly. Para-25 has clearly pointed out which act if committed by the concerned workman in discharge of his duties shall be considered as an act of misconduct. It was specifically alleged by the management that for wilful absence and without sufficient cause the concerned workman committed misconduct which amounted to violation of para 26.1.1 of the S.O. The concerned workman in course of evidence admitted that he remained himself absent for more than one year. Naturally the management did not get any service from the concerned workman during such long period not only but also the concerned workman wilfully violated the guidelines given in the certified S.O. Sufficient opportunity was given to the concerned workman to submit his explanation about remaining his such long absence from duty. While in the W.S. he disclosed that due to unavoidable circumstances he could not attend his duty in course of his evidence he submitted that for his ailment he could not attend his duty. It is seen therefore that from time to time the concerned workman for his own convenience had taken different pleas about the reasons of his absence. However, inspite of giving that opportunity the concerned workman has failed to submit a single cogent paper. He also inspite of getting opportunity did not consider necessary to submit any copy or petition which he submitted to the management informing the reasons of his absence. As such I consider that his absence was absolutely wilful in nature and the management after carefully consideration of all the aspects dismissed him from his service with a view to keep discipline in the administration against the workers. I hold that the misconduct committed by the concerned workman appears to be not only serious in nature but also he has failed to give any sufficient explanation for the same. Under the circumstances if any lenient view is taken in that case not only this workman but also the other workman will get inspiration to get such misconduct in future and if it is so done in that case there is reason to believe that the production of the management will come to a stalemate position which not only will weaken the financial position but ultimately it will get its impact in the national economy particularly when the concerned workman was an employee of a nationalised organisation. As such after careful consideration of all the facts and circumstances I do not find

any scope to say that the punishment inflicted on the concerned workman was disproportionate and it violated the principles of natural justice. Accordingly, the concerned workman is not entitled to get any relief. In the result, the following Award is rendered:—

"The action of the management of Moonidih Project of M/s. BCCL Dhanbad in denying re-instatement of Shri Gurupada Bouri T. No. 1892 with back wages is justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1635.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 5/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2002 को प्राप्त हुआ था।

[स.एल.-20012/189/98-आई.आर. (सी.-I)]

एम.एस. गुप्ता, अवर सचिव

New Delhi, the 19th April, 2002

S.O. 1635.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2001) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 17-04-2002.

[No. L-20012/189/98-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of a Complaint under
Section 33A of the I.D. Act, 1947
(XIV of 1947).

Complaint No. 5 of 2001

Ram Prasad Malhah. . . Complainant.

Versus

Dy. C.M.E. Agent,
Kankanee Colliery of,
M/s. B.C.C.L. Opp. Party.

(Arising out of Reference No. 94 of
1999—Ministry's Order No. L-
20012/198-IR)C-I), dt. 27-1-99).

APPEARANCES :

For the complainant.—Shri S. C. Gaur,
Advocate.

For the Opp. Party.—Shri H. Nath.
Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dhanbad, the 7th March, 2002

AWARD

This is a complaint petition under Section 33A of the I.D. Act, 1947 by Shri Ram Prasad Malhah against the Dy. C.M.E. Agent Kankanee Colliery of M/s. B.C.C. Ltd.

In course of hearing of the instant complaint case learned Advocate for the complainant by filing a petition submitted to withdraw the case in view of the Judgement dated 5-12-2001 of the Hon'ble High Court of Judicature, Jharkhand Ranchi. Heard both sides and perused the petition. No objection was raised on behalf of the O.P. In view of the facts discussed above this Tribunal has nothing to say if the complainant intends to withdraw the complaint petition. Accordingly, the prayer is considered and allowed. and the complaint case is hereby dismissed for non prosecution.

B. BISWAS, Presiding Officer

नई दिल्ली, 19 अप्रैल, 2002

का.आ. 1636 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 17/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-04-2002 को प्राप्त हुआ था।

[स.एल- 20012/498/95-आई.आर. (सी-I)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th April, 2002

S.O. 1636.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ret. No. 17/97) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 17-04-2002.

[No. L-20012/498/95-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute
under Section 10(1)(d) of the I.D.
Act., 1947.

REFERENCE NO. 17 OF 1997

PARTIES :

Employers in relation to the management of Jeenagora Colliery of M/s. BCCL.

AND

Their Workman

APPEARANCES :

On behalf of the Workman.—None.

On behalf of the Employers.—Shri D. K. Verma. Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dhanbad, the 27th March, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/498/95-IR(Coal-I), dated, the 14th January, 1997.

SCHEDULE

“Whether the action of the management of Jeenagora Colliery of M/s. B.C.C.L. in upgrading and placing Sh. Mohan Maharaj and 10 others (Given below underground Munshies in Clerical Grade-II w.e.f. 1-3-1984 instead of 1-3-1983 as per the I.I. No. 25 of JBCCI is justified? If not, to what relief are these workmen entitled and from what date?”

2. In this reference neither the concerned workman nor his representative was found present on the date fixed for hearing i.e. on 14-3-2002. However, the management was present through their learned Advocate. It appears from the record that Registered notice was sent to the concerned workman consecutively for causing his appearance before this Tribunal, but he did not consider necessary to take any step. It is seen that case his was registered in this Tribunal in the month of January, 1997. As per rule 10B of the Industrial Disputes (Central) Rules it is the mandatory provision on the part of the concerned workman to submit W.S. within 15 days from the date of reference. With utter surprise it is noticed that four years have already been elapsed but the concerned workman did not consider necessary to submit his W.S. though the management already filed W.S. The attitude of the concerned workman shows clearly that he is not interested to proceed with the hearing of the reference. As such I do not find any cogent ground to adjourn the case further suo motu. Accordingly a ‘No dispute’ Award is rendered and the reference is disposed on the basis of ‘No dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2002

का.ग्रा. 1637.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.एस.सी.ओ. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकत्ता के पंचाट (संदर्भ संख्या 56/1983) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-02 को प्राप्त हुआ था।

[सं. एल-19012/157/82-डी-VI (वी)]

एन पी. केशवन, ईस्ट अधिकारी

New Delhi, the 24th April, 2002

S.O. 1637.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/1983) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IISCO and their workmen, which was received by the Central Government on 23-4-2002.

[No. L-19012/157/82-D.IV(B)]

- N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

PRESENT :

Mr. Justice Bharat Prasad Sharma—Presiding Officer.

Reference No. 56 of 1983

PARTIES :

Employers in relation to the management of Ramnagore Colliery of M/s. IISCO, P.O. Kulti (Burdwan).

AND

Their workmen.

APPEARANCE :

On behalf of Management.—Mr. N. K. Ghosh, Advocate.

On behalf of Workmen.—Mr. S. Mukherjee, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

Kolkata, the 10th April, 2002

AWARD

By Order No. L-19012(157)/82-D.IV(B) dated 3rd November, 1983 the Central Government in exercise of its powers under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Manager, Ramnagore Colliery, M/s. Indian Iron and Steel Company, P.O. Kulti, Distt. Burdwan in dismissing S/Shri Jagannath Mahali and Sudhanowa Satnami w.e.f. the 7th April, 1981 is justified? If not, to what relief the workmen are entitled?”

2. The present reference relates to dismissal of two workmen, namely, Jagannath Mahali and Sudhanowa Satnami by the management of Ramnagore Colliery of M/s. Indian Iron and Steel Company, Kulti with effect from 7th April, 1981. The workmen were dismissed from service by the order of the management on the basis of an enquiry on a chargesheet issued against them.

3. From the written statement filed on behalf of the workman it appears that while Jagannath Mahali had joined service in January, 1974. Sudhanowa Satnami joined in February, 1971 and since then they were working as permanent loaders in the Company on piece-rated basis. It is further stated that the two workmen were leading members of the union at the material time and Jagannath Mahali happened to be Assistant Secretary of Ramnagore Branch of the Union. It is further stated that on 14-11-1979 the workmen had reported on duty in the third shift at mid night and it ended at 8 A.M. on the following day. It is stated that they were not supplied with empty tubs and coal in time and only at the fag end of the shift they were supplied with the tubs and coal and they immediately started their work, but since they could not complete their work, they were forced to remain beyond the normal duty hours of the shift, i.e., after 8 A.M. of 15-11-1979, because they were piece-rated workers and their earning depended on their work performance and output. It is stated that at about 10.30 A.M. one Assistant Manager,

M. Srivastava came to their work place and on finding empty tubs, started abusing them in filthy language and also threatened them to deduct the loaded tubs from their output. It is also further stated that when they protested against this, the said Assistant Manager pushed one Ram Acharya Jawaia and he fell down and the Assistant Manager also assaulted Jagannath Mahali with a stick. So, on behalf of their gang Jagannath Mahali and Sudhanowa Satnami lodged strong protest against the behaviour of Shri Srivastava in a joint letter on 16-11-1979 to the Manager. In the letter they demanded an enquiry by a neutral body and also to pay their full wages for the shift. This letter was delivered to the Manager on 16-11-1979 in the morning, but instead of taking any action against Shri Srivastava or holding any enquiry in the matter, false allegation was made against the workmen that they had assaulted Shri Srivastava, which was false and cooked up. Accordingly, the chargesheet was issued against them purported to be dated 15-11-1979 and were served on the two workmen in the afternoon of 16-11-1979 after their lodging protest as stated above. It is further stated that the two chargesheets were baseless, motivated, illegal and malafide and the same were issued without any valid authority and it is also stated that the chargesheets were issued only in order to protect Shri Srivastava and to victimise the workmen concerned for their trade union activities. It is further stated that the workmen submitted their explanation on 16-11-1979 denying the allegations in the chargesheets and requested the management to withdraw the chargesheets and to allow them to resume their duties. It is also stated that the union also lodged a strong protest against biased and motivated action of the management through a letter dated 21-11-1979 and it was stated in the letter that due to non-supply or irregular supply of empty tubs and coal, the Loaders were forced to stay after 8 hours in the morning to finish their work, but instead of taking any action on the complaint of the two workmen, the management issued chargesheets which were motivated. It is further stated that inspite of complaint letter and satisfactory explanation of the workmen and also the protest letter of the union, the management did not withdraw the chargesheet and decided to hold a pretended enquiry. The enquiry was also challenged illegal on several grounds. It is also further stated that on the basis of the report of the Enquiry Officer, which was totally perverse, the management decided to dismiss the two workmen by letter dated 7-1-1981. It is stated that the malafide action of the management will be evident from the fact that the dismissal order was issued after about 15 months from the date of completion of the enquiry. It is also further stated that the aforesaid dismissal orders are illegal, unjustified, malafide and violative of the principles of natural justice and is a clear case of victimisation and practicing of unfair labour practice and it is also in violation of the Company's Standing Orders issued from time to time. It is also further stated that before awarding extreme punishment of dismissal the management also did not consider the past unblemished records of the concerned workmen. It is further stated that the workmen then made a representation to the management against the dismissal order through letter dated 4-5-1981, but the same was not replied to. Thereafter, the union lodged its strong protest against the said dismissal orders through a letter dated 19/24-6-1981 to the Agent and a copy of the same was also forwarded to the Deputy Chief Personnel Manager, H.P.D. Burnpur. It is also stated that the union also made several representations to the management to withdraw the dismissal orders, but nothing could be done and so the union approached the Assistant Labour Commissioner (C) II, Asansol through a letter dated 23-2-1982 because the management refused to concede to the demand of the workmen. The union also submitted its comments on the Company's letter dated 12-5-1982 through its letter dated 22-7-1982 to the Assistant Labour Commissioner. Thereafter, the Conciliation Officer called several conferences to resolve the dispute, but the dispute could not be resolved at this stage due to adamant attitude of the management and, accordingly, the reference has been made. It has been submitted on behalf of the workmen that the dismissal orders be held to be illegal, unjustified and malafide and also in violation of the principles of natural justice and the two workmen should be ordered to be reinstated in service with full back wages.

4. The management also filed a written statement stating that the two workmen just ordinary Loaders employed by the Company in their Colliery at Ramnagar under the management of the Indian Iron and Steel Company Ltd which happens to be subsidiary of the Steel Authority of India Ltd. It is stated that both the workers used to be paid their wages on weekly basis according to the terms and conditions applicable

to this category of loaders. It is further stated that the aforesaid two dismissed workers were neither union enthusiast nor union office bearers of the Colliery Mazdoor Sabha of A.I.T.U.C. and the Company denies this part of the allegation. It is further stated that the two dismissed workers were chargesheeted and after proper enquiry, they were found guilty of the allegations made against them and the allegations were duly proved in the departmental enquiry, the details have been given by the management in the written statement, according to which the two Loaders were to report for duty in the night shift at 12 O'clock in the mid-night between 14 and 15 November, 1979 at Pit No. 4 or Ramnagar Colliery and they did it. According to the management the working hours were to be over at 8 A.M. on 15th November, 1979, but though the morning shift of 15-11-1979 was to start at 8 A.M., the two aforesaid Loaders stayed unauthorisedly and illegally at the said 14th level which was their place of duty. So, when the morning shift started, information reached the Manager that the workers at the 14th level loading point in Pit No. 4 were demanding presence of the Manager to ventilate their grievance. The Manager, suspecting some foul play, did not go to pit No. 4 and sent the Assistant Manager for ascertaining the position. It is stated that the Manager was further informed that the Loaders were insisting on his presence to show him the standard of loading of tubs being done by them and they insisted that until and unless the Manager or Assistant Manager came to the site, they would not allow the Trammers to take out the loaded tubs. It is further stated that Shri V.K. Srivastava, Assistant Manager, First Class was on the pit top at the relevant time. So, on receiving the information that the workmen were present at Pit No. 4 at 14th level and were insisting the presence of the Manager, he went there, but as soon as he reached the site at 14th level loading point, the aforesaid two workers without any provocation started assaulting Shri Srivastava. It is further stated that in the meanwhile the information spread that certain loaders were creating trouble at Pit No. 4 at 14th level and other supervisors left their place of work and came to the spot to assist the Assistant Manager to ascertain the truth. When the Supervisors, Shri A.K. Ghosh and C.R. Chakraborty reached there, they found that Shri Srivastava was in a very bad condition and his clothes were smudged with coal dust and he was sitting in a completely flabbergasted state and out of breath. Shri Chakraborty and the Pit Munshi were told that he was assaulted by the two Loaders, namely, Jagannath Mahali and Sudhanowa Satnami. However, Shri Srivastava was escorted to the surface of the pit and taken to the Manager's Office and from there he was taken to the Medical Officer for treatment of his injuries sustained by him in course of this incident. It is further stated that on account of this situation it transpired that both the loaders had left the Colliery and had escaped unnoticed. It is also stated that the two loaders were to be paid full wages even if they could not have stayed underground beyond their duty hours and the full wages of a loader is equivalent to Category-IV workers, i.e., daily-rated workers is paid when tub supply cannot be made within the duty period of loader on account of certain factors beyond the control of the management, because the Loaders are not required to stay beyond duty hours to earn their full back wages and their overstaying in the present case was only with the intention of committing mischief. It is stated that the incident of assault on a senior Assistant Manager created great tension amongst the supervisors and officers and they suspended their work refusing to attend their normal work, demanding assurance and arrangement of safety and security inside the pit against such wanton and unprovoked Assault as made on Shri Srivastava, a senior official of the colliery. It is stated that after much persuasion and intervention of the senior officials, these officials were persuaded to go back to their work. It is also further stated that on the same day, i.e., on 15 November, 1979 chargesheets were issued on the two aforesaid Loaders to show cause as to why disciplinary proceeding should not be taken up as the preliminary enquiry revealed that they had assaulted Shri Srivastava and had also illegally over-stayed beyond their working hours after expiry of the shift. It is stated that their explanations were very much unsatisfactory and they had tried to make concocted story to counterblast the allegations against them. The enquiry was started with Shri S. K. Lahiri as the Enquiry Officer and the said Enquiry Officer, Shri Lahiri on completion of the enquiry submitted his report with a finding that both the workmen were guilty of the offences for which they were charged. It is stated that all kinds of opportunities were given to the workmen in course of the enquiry and the enquiry was free

and fair, the Enquiry Officer came to a conclusion that the workmen had committed a serious kind of breach of discipline and misconduct for which they were charge-sheeted. On the basis of the report of the Enquiry Officer the management took a decision to dismiss the workmen concerned. It is also stated that while passing the order of dismissal, the serious nature of the offence committed by the said workmen and the past records of the delinquents were also considered. So, leniency in their favour to pass a lesser punishment was not considered to be possible, because it was likely to encourage further indiscipline in the collieries. It is stated that the said two delinquent workmen deserved to be severely punished as has been done and, they did not receive any sympathetic consideration. It is also further stated that the union is in the habit of finding fault with the action of the management without any basis and foundation and in the instant case there is no exception to it as it appears from the representation of the union dated 22nd March, 1982 made by the Secretary of the union. It is stated that all kind of such allegations were made purposely and deobrately to create an atmosphere of indiscipline in the colliery. In this view of the matter, it has been stated on behalf of the management that the entire action of the management was perfectly, in accordance with the principles of natural justice, equity and good conscience and in order to uphold discipline in the coal industry and, therefore, the action taken by the Company deserves to be approved and it has been prayed that the reference should be answered and pleas of the workmen should be outright rejected. However, by bringing an amendment on 6-11-89 a fresh paragraph was added to the written statement in which it was stated that even if the enquiry is held to be illegal, the management should be afforded opportunity to lead further evidence to prove the charges levelled against the workmen.

5. Since the fairness of the enquiry was also challenged on behalf of the workmen and it was refuted on behalf of the management, the issue was taken up as a preliminary issue and after recording the evidence of the parties and after hearing the parties an order was passed on 11th January, 2002 by which the enquiry was held to be valid. But, because the present case clearly falls within the purview of Section 11A of the Industrial Dispute Act, 1947, the parties were given opportunity to make submissions on the point of adequacy, sufficiency or otherwise of the punishment. The punishment in the present case is the severest punishment amounting to dismissal of the workmen concerned from service and, therefore, it becomes necessary to consider whether the extreme punishment of dismissal from service is commensurate with the act done by the workmen, as alleged or it is harsh or severe punishment and a lesser punishment should be sufficient to punish them.

6. The Tribunal for the purpose of ascertaining the adequacy or otherwise of the punishment has to rely on the materials on the record and not to take any other evidence. The materials on record has to be considered. The chargesheets against the workmen deal with two kinds of allegations. The first is that the workmen concerned after expiry of their shift at 8 A.M. in the morning of 15-11-1979 continued to stay at their work place and they did not leave resulting in difficulty to the management to start the morning shift which was supposed to start at 8 A.M. itself. Thus, the action of the workmen was not only unauthorised and improper; rather, it was obstructive also. The second charge relates to man-handling and assaulting of one senior officer of the Colliery who was of the rank of Senior Assistant Manager and who incidentally happened to arrive at the site on learning that some workmen were still continuing at the site at 14th level of Pit No. 4 inspite of the fact that their shift was over at 8 A.M. It appears from the events described in the written statement of both the parties that Mr. Srivastava the Assistant Manager arrived at 14th level of Pit No. 4 of the Colliery at about 10.30 A.M. on hearing that some workmen were still continuing to be present at that point inspite of the fact that their shift was over at 8 A.M. itself and also that they were obstructing the other workers from moving the loaded tubs also and the morning shift of that day could not start because of this situation. The Assistant Manager also learnt that the workmen were insisting on the presence of the Manager at that place. The arrival and presence of the Assistant Manager, Mr. Srivastava at the spot is admitted. Now, according to the version of the management in the chargesheet, as supported by the enquiry report, these workmen manhandled Mr. Srivastava by attacking him and causing some injuries for which he was also subsequently examined and treated by a doctor and according to the management this attack on Mr. Srivastava was unprovoked and it had no

justification and, therefore, according to the management it was an act of gross indiscipline and serious kind of misconduct. On the other hand, it has been stated on behalf of the workmen that they had not been able to complete their work of filling up the empty tubs with coal in their shift in time because of the fact that neither the empty tubs, nor the coal were made available to them at appropriate moment and according to them the empty tubs and coal were made available at a later stage of their shift and, therefore, out of anxiety to complete their work to become entitled to their wages, they overstayed, but when Mr. Srivastava arrived and he found them working after the expiry of their shift, he was in tempers and he started abusing these workmen in filthy language and threatening them to deduct their tubs from their output and deprive them of their wages. It is also further stated that when the workmen objected to it, Mr. Srivastava pushed one workman who fell down and he also assaulted one of the concerned workmen with a stick. Therefore, on the one side the management does not say that the Assistant Manager had rebuked and chastised the workmen on his arrival at the spot and on the other side the workmen have not stated that by disclosing that on account of harsh behaviour of the Assistant Manager, he was manhandled and assaulted. On appreciation of the circumstances it appears to be absurd that anything of the kind had happened as disclosed on behalf of the workmen. If it was so that the workmen were doing the work even after the expiry of their period of shift and the Manager arrived, the Manager had no reason to loose temper and use abusive language and even if it was so that the Manager abused them, the Manager had no reason to loose temper and use abusive language and they had assaulted him. Therefore, it appears to be natural that the workmen concerned overstayed there and they were asking for the presence of the Manager before them, so that they could tell certain things to him relating to their grievance and as they were obstructing the further start of the shift and working being done in regular manner, when the Manager arrived, he appears to have expressed his displeasure and rebuked the workmen to have behaved in this manner.

7. If the same was not considered in details during enquiry, the truth might not have emerged. Therefore, it is necessary to consider the evidence adduced before the Enquiry Officer in course of the enquiry. The entire proceeding stands marked Ext. M-1 in this case, it appears that apart from Mr. Srivastava himself some other witnesses had also been examined including one labour, namely, Ganesh Gope, Diller and they have stated about the incident which took place resulting in the assault of Mr. Srivastava. The workmen could say that other witnesses being either the Assistant Manager, Mr. Srivastava himself or some supervisory staff who have tried to support the case of Mr. Srivastava on the chargesheet issued by the management were not present. But, so far as this Ganesh Gope is concerned, it cannot be said so. This Ganesh Gope stated before the Enquiry Officer that at about 10.30 A.M. on 15-11-1979 he saw both the workmen, namely, Sudhanwa Satnami and Jayannath Madali assaulting Sri Srivastava with blows and thereafter he went away. Though this witness was cross-examined on behalf of the workmen, nothing significant transpired from his show that he had either any reason to si- ment or to speak against the workmen concerned. In this connection it has also been pointed out and it is significant to note that the workmen also examined some witnesses on their behalf and one of the witnesses produced by them, namely, Md. Hafiz, also a labour, did not state anything in his statement that Mr. Srivastava used any abusive language. Because this witness happened to be a witness produced on behalf of the chargesheet employees themselves, his statement is very significant and it cuts at the root of the counter allegation of the workmen that Mr. Srivastava had used any abusive language. On the other hand, from the evidence of the doctor before the Enquiry Officer it appears that he had found certain injuries also on the person of Mr. Srivastava when he examined him. Therefore, it becomes clear that the allegations made against the workmen in the chargesheet were neither unfounded, nor incorrect. The workmen themselves have admitted that they continued to be present at the work place after the expiry of their shift at 8 A.M. in the morning. Naturally, it was likely to delay the start of the morning shift of 15-11-1979 and it has also been stated that they were not allowing the workers to take away the filled tubs also. In such a situation, it cannot be said that they were acting properly or in good faith. Certainly they were acting in very rowdy and indisciplined manner and when Mr. Srivastava the Assistant Manager arrived, he might have expressed his

displeasure at the conduct of the workmen concerned and the workmen attacked and assaulted him resulting in some injuries to him as found by the doctor and stated before the Enquiry Officer. Such act on the part of the Loaders in attacking a senior officer like Assistant Manager cannot be taken lightly or as an ordinary act of indiscipline. There is no doubt about it that such an act can be termed as a gross misconduct and if such acts are not curbed and dealt with properly, it is likely to give rise to indiscipline in the Collieries and in such circumstances, naturally, the officers and supervisory staff will feel insecure and they shall not be able to discharge their duty properly and sincerely. The situation will jeopardise the work of the colliery and result in loss not only to the colliery or the industry concerned; rather, to the nation as a whole. The indiscipline is so infectious that if it is not controlled in time and dealt with sternly it is likely to spread and pollute the entire atmosphere. Therefore, though the punishment imposed upon the workmen is severest in nature, no doubt, considering the circumstances as a whole, it becomes clear that they did not deserve any sympathetic consideration in awarding lesser punishment.

8. It was pointed out on behalf of the management that in a similar situation in the case of Mahendra Nissan Ilwyns Ltd. v. M. P. Siddappa & Anr. (2000-I-LI 424) it was observed by their Lordships of the Hon'ble Supreme Court that this kind of misbehaviour should not be taken lightly. It appears that the charge against the workman was that he led the workmen from the factory premises, entered the administrative office and the room of the Deputy General Manager and abused the Deputy General Manager and threatened him. It also appears that the said workman also did not properly behave with the five executives of the Company. In this case, when the matter went before the High Court, the High Court took a lenient view and decided to reduce the punishment, but their Lordships of the Hon'ble Supreme Court did not agree with the decision of the Hon'ble High Court and they clearly held that "if these are not serious charges against a workman worthy of his dismissal from service, we do not know what can be" and, therefore, their Lordships observed that the High Court was quite wrong in the conclusion that it reached and in the order that it passed and accordingly their Lordships held that the punishment imposed against the respondent must remain unaltered. The present case appears to be of similar nature and the acts of the workmen concerned amount to very serious kind of indiscipline and misconduct and the punishment of dismissal does not appear to be harsh or disproportionate to the charges.

9. In this view of the matter, I do not find any reason to interfere with the punishment imposed by the management against the workmen concerned. They are not entitled to any relief what-so-ever. Accordingly, the reference is decided and disposed of.

B. P. SHARMA, Presiding Officer

Dated :

Kolkata, the 10th April, 2002.

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.इ.सी.एल. प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाटद (संदर्भ संख्या 286/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-04-2002 को प्राप्त हुआ था।

[सं. एन-22012/112/2000-ग्राइ.आर. (सी II)]

एन.पी. केशवन, डैस्ट्रिक्ट अधिकारी

New Delhi, the 24th April, 2002

S.O. 1638.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of

1947), the Central Government hereby publishes the award (Ref. No. 286/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 23-04-2002.

[No. L-22012/112/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR PRESENT :

Shri B. G. Saxena, Presiding Officer
Reference No. CGIT : 286/2000
THE CHIEF GENERAL MANAGER,
S.E.C.L.

AND

Their Workman

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/112/2000-IR(CM-II) dated : 18-09-2000 on following schedule :—

SCHEDULE

"Whether the action of the management of Kusumunda Project of SECL, Distt. Korba (MP) in not granting the promotion with monetary benefits to S/Sh. P. L. Tawait, 2. Sarju Singh, 3. K. D. Mahani, 4. Mishrilal Rathore, 5. Ishwari Ram, 6. Shanhkarlal Sahu, 7. Mahesh Ram, Kanwar, 8. Jayand Sane, 9. J.B.L. Raghore and 10. Rammu Ram, w.e.f. 01-04-92 in the post of E. P. Fitters, Grade-II is justified ? If not, to what relief the workmen are entitled ?"

This reference was received in this Court on 28-09-2000. The notices were issued to both the parties on 28-09-2000. The representative of the management appeared but the Secretary, Samyukta Koyla Mazdoor Sangh (AITUC) Kusumunda, Distt. Korba did not appear to contest the case.

None of the workmen mentioned in the schedule appeared in the Court to contest the case though the case was repeatedly adjourned six times from 11-01-01 to 17-08-01.

Again the registered notice was sent to the Secretary, Samyukta Koyla Mazdoor Sangh by Registered Post on 17-08-01. After receiving the notice the Secretary of the aforesaid union AITUC did not turn up to contest the case.

After 17-08-01, 21-09-01, 08-10-01, 6-12-2001, 1-2-2002, 15-2-2002 and 8-3-2002 and 19-2-2002 were fixed but no Statement of Claim has been filed by the workman or the representative of the union.

On 01-02-02 the management's representative submitted application that the workman is not submitting his Statement of Claim and the proceedings in this case be closed.

The management representative is present today but nobody filed Statement of Claim from the side of the workman though the case was adjourned 14 times. In view of the above fact, the reference is disposed of for want of prosecution.

ORDER

The workman or the representative of the union did not submit any Statement of Claim though sufficient time was granted to them. Nobody appeared from the side of the union of the workman to contest the case. In view of the above facts the reference is disposed of for want of prosecution.

Dated : 18-3-2002.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1639 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर¹ के पंचाट (संदर्भ संख्या 17/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-04-2002 को प्राप्त हुआ था।

[सं. एल-22012/192/99-प्राई.आर. (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 24th April, 2002

S.O. 1639.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2001) of the

Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 23-4-2002.

[No. L-22012/192/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

REFERENCE NO. CGIT : 17/2001
THE SUB AREA MANAGER, W.C.L.

AND

SHRI NUTAN KUMAR TATYAJI
LEDANGE

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/192/99-IR(C-II) dated, 29-01-2001 on the following schedule.

SCHEDULE

“Whether the action of the management of namely Sub Area Manager, Telwasa Open Cast Sub Area (Majri Area) of WCL in terminating Sh. Nutan Kumar Tetyaji Ledange, General Mazdoor is legal and justified ? If not, to what relief the workman is entitled ?”

In this reference the notices were issued to both the parties on 3-7-2001. The counsel for WCL filed Vakalatnama on 02-08-01. Again the notice was sent to the workman Nutan Kumar Tatvaiji Ledange on 31-12-01 by registered post. On 28-2-2002 the workman filed Vakalatnama of advocate R. N. Pathade and moved application that he may be allowed time to file Statement of Claim. The case was adjourned to 13-3-2002 on the

request of the workman. On 13-3-2002 neither the workman turned up nor his counsel submitted Statement of Claim.

The case was again adjourned to 14-3-2002.

On 14-3-2002 also neither the workman Nutan Kumar Tatyaji Ledange submitted any Statement of Claim nor his counsel filed any Statement of Claim. As no Statement of Claim has been filed by the workman to show the circumstances regarding the termination of his service, no relief cannot be granted to him.

ORDER

The workman Nutan Kumar Tatyaji Ledange has not submitted any Statement of Claim and has not contested the case though he was given sufficient time on 28-2-2002 to submit the Statement of Claim, the reference is therefore disposed of for want of prosecution.

Dated : 14-3-2002.

B. G. SAXENA, Presding Officer

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1640.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विवेक ट्रांसपोर्ट प्राइवेट लिमिटेड (कंट्रैक्टर एम. सी.एल.) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 168/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-02 को प्राप्त हुआ था।

[सं. एल-22012/587/96-ग्राई.आर. (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 24th April, 2002

S.O. 1640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 168/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Vivek Transport Pvt. Ltd. (Contractor of MCL) and their workman, which was received by the Central Government on 23-4-2002.

[No. L-22012/587/96 IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

PRESENT :

Sri S.K. Dhal, OSJS (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.
Tr. INDUSTRIAL DISPUTE CASE NO. 168/2001
Date of conclusion of hearing—26th March, 2002
Date of Passing Award—15th April 2002

BETWEEN

The Management of M/s. Vivek Transport (Ex-Serviceman) Pvt. Ltd, Contractor, C/o. The Project Officer, Jagannath Colliery, P.O. Balandia, Distt. Angul ... 1st Party|Management.

AND

Their Workmen, represented through the Secretary, Talcher Coal Mines Employees Union, At Remua, P.O. Talcher, Distt. Angul. ... 2nd Party Union.

APPEARANCES :

Shri Kartikeshwar Patra,	For the 1st
Chief Executive, M/s. Vivek Transport	Party Management.
None.	For the 2nd Party-Union.

AWARD

The Government of India in the Ministry of Labour in exercise of Powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/587/96-IR (C-II), dated 20-5-1998 :—

“Whether the action of the Management of M/s. Vivek Transport (Ex-Serviceman) Pvt. Ltd. in terminating the services of Shri B.K. Nayak with effect from 24-11-1994, Shri Bisaram Bhagat with effect from 1-12-1994, Sri Akhilaswar Singh, Shri Awadhu Singh, Shri Ram Nand Prasad, Shri Hareram Tiwari and Shri Rabindra Prasad Chaurasia with effect from 30-11-1994 is justified? If not to what relief these workmen are entitled to?”

2. The case of the 2nd Party is that the disputants were engaged through M/s. Vivek Transport (Pvt.) Limited and they had joined in different dates. They have worked under the 1st Party-Management for more than 240 days continuously, but they were retrenched without serving any notice, which is in clear violation of Section 25-F of the Industrial Dispute Act. They raised a dispute. There was a reconciliation, but it failed. So, the present reference has been made. The 2nd Party has prayed for declaring the termination as illegal and for directing the 1st Party-Management to reinstate the disputants with back wages.

3. The 1st Party-Management has filed their Written Statement. They have pleaded that the reference is not maintainable, as the services of the disputants have not been terminated. The case of the 1st Party-Management is that the workmen concerned were transferred to another project site of the 1st Party-Management with written notice duly received by them. They were relieved but they did not join in the new station and voluntarily abandoned. So, the 1st Party-Management has prayed to answer the reference accordingly.

4. On the above pleadings of the parties, the following Issues have been settled.

1. Whether the reference is maintainable?

2 Whether the action of the Management of M/s. Vivek Transport (Ex-Serviceman) Pvt. Ltd. in terminating the services of Shri B.K. Nayak with effect from 24-11-1994, Shri Bisaram Bhagat with effect from 1-12-1994, Sri Akhilaswar Singh, Shri Awadhu Singh, Shri Ram Nand Prasad, Shri Hareram Tiwari and Shri Rabindra Prasad Chaurasia with effect from 30-11-1994 is justified?

3. To what relief the workmen are entitled to?

5. In spite of notice received from the Tribunal and after filing of the Claim Statement the 2nd Party has not taken any step. The 2nd Party was set ex parte after giving reasonable opportunities, but the 2nd Party did not adduce any oral or documentary evidence.

FINDINGS

ISSUE NO. II

6. I have already stated that, no oral evidence has been adduced on behalf of the 2nd Party. No document has also been filed in support of their case. They have claimed that their services have been retrenched. But no material has been placed in support of their retrenchment. When they have raised the dispute the initial burden lies on them to prove their case. But in this case that has not been done. So, it can not be said that, there has been termination of services of the disputants by the 1st Party-Management. Hence, this issue is answered accordingly.

ISSUE NO. I

7. When the 2nd Party failed to establish that, their services has been terminated or they have been retrenched the question of dispute does not arise. Hence, this reference would not be maintainable.

ISSUE NO. III

8. In view of my findings given in respect of Issue No. I & II, the 2nd Party is not entitled for any relief.

9. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2002

का. आ. 1641.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. प्रबंधत्व के सबद्व नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ पचाट (संदर्भ संख्या 35/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-04-2002 को प्राप्त हुआ था।

[सं. एल-23012/24/98-आई.आर. (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 24th April, 2002

S.O. 1641—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/99) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workmen, which was received by the Central Government on 23-4-2002.

[No. L-23012/24/98-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH
CASE NO. I.D. 35/99

Sh. Kartar Singh S/o Sh. Raghu
C/o Sh. Dhani Ram, General Secretary, BSL Project
Mazdoor Ekta Union, Sundernagar (HP) .. Applicant.

VERSUS

1. Chief Engineer, BSL Project, B.B.M.B., Sundernagar.
2. The Executive Engineer, Electrical and Workshop Division, B.B.M.B., Sundernagar (HP) .. Respondent.

REPRESENTATIVES .

For the workman : Sh. Dhani Ram.
For the management : Sh. Sandeep Chopra.

AWARD

Dated : 11th April 2002

The Central Govt. Ministry of Labour vide Notification No. L-23012/24/98-IR(CM-II) dated 10th February 1999 has referred the following disputes to this Tribunal for adjudication :

"Whether the action of the Chief Engineer, Beas Sutlej Link Project, BBMB, Sundernagar (HP) and Executive Engineer, Electrical and Workshop Division BBMB, Sundernagar in disengaging Shri Kartar Singh S/o Shri Raghu from services in 1993 and terminating his services on 18-10-1996 without notice is just and legal? If not what relief is the workman entitled to?"

2. The Representative of the workman made a statement that he withdraw the present reference in the Lok Adalat. In view of this statement, the No dispute award is returned in the present case to the Ministry, Central Govt. be informed.

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2002

का. आ. 1642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. प्रबंधत्व के सबद्व नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ पंचाट (संदर्भ संख्या 255/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-04-2002 को प्राप्त हुआ था।

[सं. एल-23012/42/97-आई.आर. (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 24th April, 2002

S.O. 1642.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 255/98) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workmen, which was received by the Central Government on 23-04-2002.

[No. I 23012/42/97 IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 255/98

Rajesh Kumar,
S/o Sh. Baldev Krishan,
C/o Sh. Dhani Ram,
General Secretary,
B.S.L. Project,
Mazdoor Ekta Union,
Sundernagar (H.P.)

Applicant

Versus

1. The Chief Engineer,
BSL Project,
B.B.M.B.,
Sundernagar.
2. The Executive Engineer,
Township/B.R.S.C. Division,
B.B.M.B.,
Sundernagar (H.P.)

Respondent

REPRESENTATIVES :

For the workman . Sh. Dhani Ram.

For the management : Sh. Sandeep Chopra.

AWARD

Dated : 11th April, 2002

The Central Government, Ministry of Labour vide Notification No. L-23012/42/97-IR(CM-II) dated 10th November, 1998 has referred the following disputes to this Tribunal for adjudication :

"Whether the action of the Chief Engineer, Beas Sulci Link Project, B.B.M.B., Sundernagar (HP) and Executive Engineer, Township, BRSC, Sundernagar in disengaging Sh. Rajesh Kumar S/o Sh. Baldev Krishan from service on 31-3-92 and terminating his services on 18-10-96 without notice is just and legal ? If not, to what relief is the workman entitled ?"

2. The Representative of the workman made a statement that he withdraw the present reference in the Lok Adalat. In view of this statement, the No dispute award is retained in the present case to the Ministry, Central Government be informed.

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2002

का.आ. 1643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मी.पी.डब्ल्यू.डी. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर पंचाट (संदर्भ संख्या 56/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-04-2002 को प्राप्त हुआ था ।

[सं.एल-42012/47/2000-ग्राइ.आर. (मो-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th April, 2002

S.O. 1643.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 23-04-2002.

[No. L-42012/47/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT : 56/2001

The Chief Engineer,
C.P.W.D.

AND

The Branch Secretary,
Central P.W.D. Mazdoor Union.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub Section 2(A) of Section '10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-42012 47/2000-IR(C-II) dated 30-07-2001 on following schedule.

SCHEDULE

"Whether the action of the management in changing the Headquarter of Shri G. R. Pardeshi, Chowkidar from Nagpur to Mudkhed during the suspension period and non-payment of duty pay for the period from 01-03-2000 to 16-03-2000 and subsistence allowance w.e.f. 17-03-2000 onwards till date during suspension is legal and justified ? If not, to what relief the workman is entitled to ?"

The notices were issued to both the parties on 26-09-2001. The counsel for the management submitted Vakalatnama on 02-11-2001.

After that 02-11-2001, 16-11-2001, 04-12-2001, 07-01-2002, 08-03-2002 and 12-03-2002 were fixed. So as may as five dates were given to the workman to submit Statement of Claim. Neither the workman turned up to contest the case nor any union representative appeared in this Court to represent the workman. No Statement of Claim has been filed by the workman. The Branch Secretary of Central C.P.W.D. Mazdoor Union is party in this case and notice was issued to him but the union representative did not turn up in this Court to file Statement of Claim.

As the workman himself did not prefer to file any Statement of Claim and to contest the case, the reference is disposed of for want of prosecution.

ORDER

No Statement of Claim has been filed by the workman G. R. Pardeshi or the representative of his union. The reference is therefore disposed of for want of prosecution.

B. G. SAXENA, Presiding Officer

Date : 12-5-2002.

